

July 23, 1984

GRANTS TO PLAN FOR REGIONAL EDUCATIONAL LABORATORIES

GRANT ANNOUNCEMENT NO. PA-84-2

Prospective Applicant:

The National Institute of Education is inviting applications for grants to plan for Regional Educational Laboratories in various regions of the United States.

An application for a planning grant must be submitted no later than September 26, 1984. Specific information needed for preparing and submitting an application is enclosed. In addition, an information conference for prospective applicants will be held on August 10, 1984 from 1:00 p.m. to 4:00 p.m. in Room 1130 (Horace Mann Learning Center), 400 Maryland Avenue, S.W. (FOB 6), Washington, D.C. Potential applicants who are unable to attend the information conference are invited to contact NIE for a written report of the conference.

This grant information package is intended only to aid applicants in applying for assistance. Nothing in the information package is intended to impose any requirement with respect to paperwork, the content of applications, reporting, or grantee performance beyond those imposed by the statute and regulations. Accordingly, the word "should" is used throughout to convey strong encouragement to applicants and not to impose specific requirements.

This announcement does not commit the Government to pay any cost incurred in submitting applications. Funding estimates contained herein are contingent on Congressional appropriations for the National Institute of Education.

Only the Grants Officer can legally commit the Government to making a Grant under this announcement. Questions of an administrative nature regarding this information package may be handled by phone (202-254-5080). Questions of a technical nature must be presented in writing, addressed to my attention.

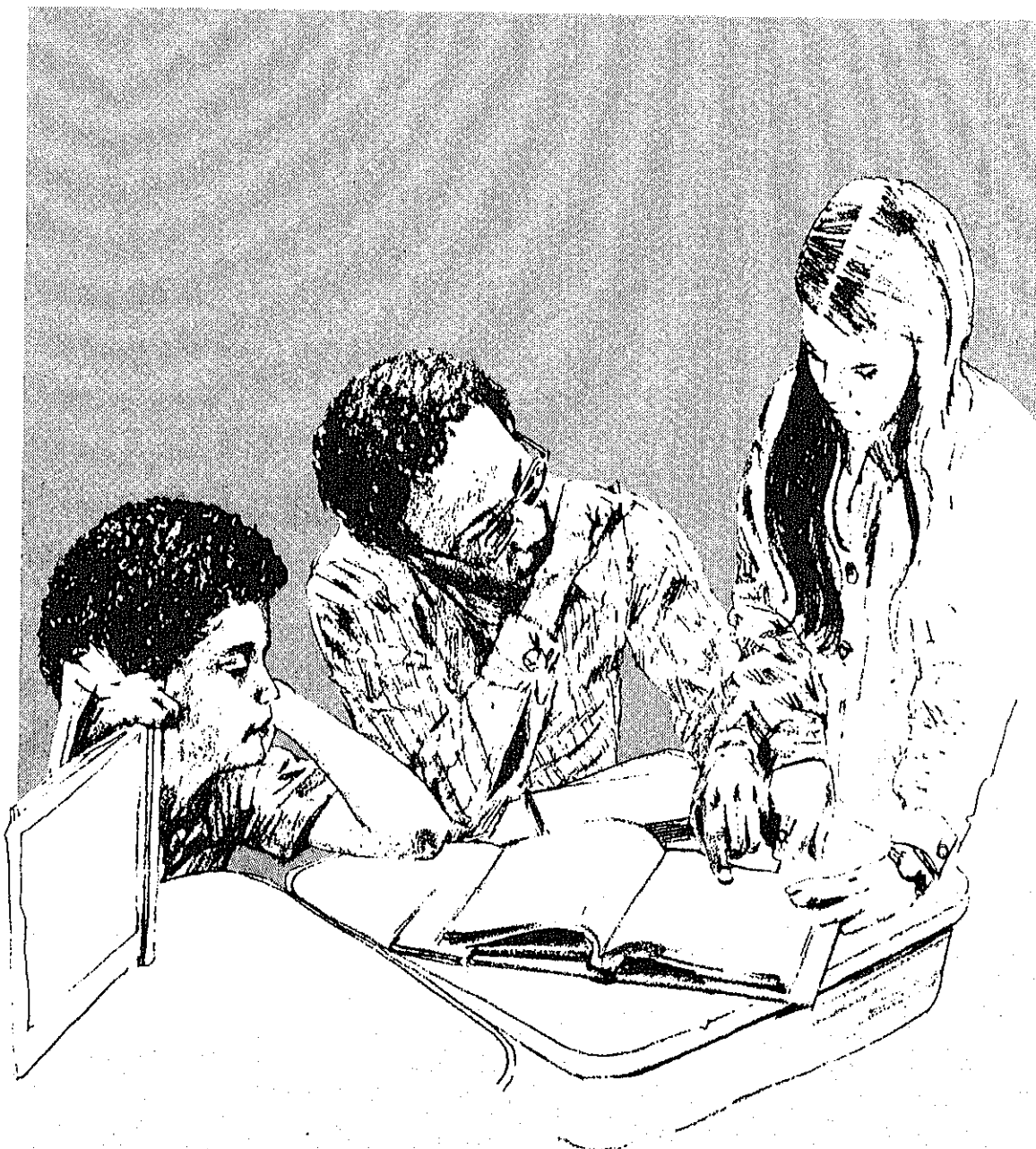
Sincerely,



Raymond F. Wormwood, Acting Chief  
Contracts & Grants Management

# Grants to Plan for Regional Educational Laboratories

Application Deadline: September 26, 1984



Fiscal Year 1985  
CFDA No. 84.117  
OMB No. 1850-0549  
Approval expires: 9/85

The National  
Institute of  
Education  
U.S. Department of  
Education  
Washington, D.C. 20208





## SYNOPSIS

### Purpose of These Competitions

The Secretary of Education (the Secretary) announces competitions, under the Regional Educational Laboratories and Research and Development Centers Program, for grants to plan for eight regional educational laboratories (laboratories). These competitions for planning grants are part of a comprehensive process for establishing competitively-funded laboratories nationwide. The Secretary previously made several planning awards for a Midwestern laboratory and is currently conducting a competition for a grant to assist the institutional operations of a laboratory in the Midwestern Region (region 5). With respect to the other nine regions, the Secretary will announce, at a later time, competitions for five-year awards for laboratory institutional operations.

### Laboratory Regions

As described in 34 CFR §707.11, the Secretary has designated the following geographic regions for regional educational laboratories:

1. Northeastern Region: Connecticut, Massachusetts, Maine, New Hampshire, New York, Puerto Rico, Rhode Island, Vermont and Virgin Islands
2. Mid-Atlantic Region: Delaware, District of Columbia, Maryland, New Jersey and Pennsylvania
3. Appalachian Region: Kentucky, Tennessee, Virginia and West Virginia
4. Southeastern Region: Alabama, Florida, Georgia, Mississippi, North Carolina and South Carolina
5. Midwestern Region: Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio and Wisconsin
6. Southwestern Region: Arkansas, Louisiana, New Mexico, Oklahoma and Texas
7. Central Region: Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota and Wyoming
8. Western Region: Arizona, California, Nevada and Utah
9. Northwestern Region: Alaska, Idaho, Montana, Oregon and Washington
10. Pacific Basin Region: American Samoa, Guam, Hawaii, Northern Mariana Islands and Trust Territory of the Pacific Islands

Competitions are being announced for grants to assist laboratory planning in all the regions except the Midwestern Region (region 5). The Secretary previously announced a competition for a grant to assist laboratory institutional operations in the Midwestern Region. (49 FR 22524, May 30, 1984.)

In accordance with 34 CFR §707.11(b), each planning grant will assist the recipient in planning for a single laboratory to serve a single region, except that grants will be made to assist in planning for a single laboratory to serve both the Northwestern Region (region 9) and the Pacific Basin Region (region 10). Therefore, applicants for planning awards in the Northwestern Region and the Pacific Basin Region should describe planning activities covering both regions.

This exception is based on careful consideration of comments received from interested parties, Committee Reports accompanying NIE's fiscal year 1984 appropriation, and the Secretary's assessment of the special needs and circumstances of the Pacific Basin, including the need to maintain the traditional ties that have been established between the Pacific Basin educators and educational organizations and others in the Northwest. Largely in cooperation with educational organizations and others in the Northwest, educational leaders in the Pacific Basin have been engaged in long-range planning to develop, within the Pacific Basin, a capacity to operate an educational laboratory of its own. Because this planning has not been completed, the Secretary anticipates that the laboratory that serves the Northwestern and the Pacific Basin Regions will be in the Northwest but will operate a satellite office in the Pacific Basin for the five years of the award. The Secretary anticipates that, in a future competition, an award will be made for an additional laboratory to serve only the Pacific Basin Region.

#### Type of Awards

As a result of regional competitions, NIE anticipates awarding up to three planning grants in each region. Planning awards may be used by recipients to examine regional needs, trends and capabilities; to consult with key stakeholders or users of laboratory services; and to develop ideas and concepts regarding possible mission, structure, service strategies and programs appropriate for a laboratory in the region. Reports from the planning grants will be available to help the organization that receives the five-year institutional operations award strengthen its service approaches.

#### Eligibility

Any public or private organization, institution, agency or individual may apply for a planning grant. A consortium of eligible agencies and organizations may also apply, but a single eligible entity must be designated as the fiscal agent to receive the award. Participation or non-participation in the competitions for a laboratory planning grant in no way affects eligibility to submit a proposal in an subsequent competition for an award to operate a regional educational laboratory.

### Application Deadline and Award Duration

Applications for planning grants must be submitted to the National Institute of Education by September 26, 1984. The project period will begin on or about December 4, 1984, and will be approximately four months. A report of activities conducted during the planning period is due at NIE within 90 days after the close of the project period. All applicants for a planning grant, whether or not they receive an award, will receive a written analysis of the strengths and weaknesses of their proposal.

### Information Conference

In order to answer questions from prospective applicants regarding the application notice and the grant information package, an information conference will be held August 10, 1984, 1:00 p.m. to 4:00 p.m., in Room 1130 (Horace Mann Learning Center), 400 Maryland Avenue, S.W. (FOB6), Washington, D.C. For more information, contact Raymond F. Wormwood, Acting Chief, Contracts and Grants Management, Telephone: (202) 254-5080. Potential applicants who are unable to attend the information conference are invited to contact NIE for a written report of the conference.

### Funding Levels

Planning awards will not exceed \$25,000 per award. This estimate assumes that applications of satisfactory quality will be received. Moreover, this estimate does not bind the Department of Education either to the stated numbers or amounts of awards, unless those amounts are otherwise specified by statute or regulations.



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## I. INTRODUCTION

This Grant Information Package is intended to provide information needed by an institution, organization or individual who wishes to apply for a grant to plan for a regional educational laboratory. All the information needed to prepare and submit an application is presented within this document.

It is important for applicants to understand that the competitions for planning grants are just one part of a larger competitive process being carried out by the National Institute of Education to fund regional educational laboratories to serve all regions of the country. At a later date competitions will be held for awards to operate a regional laboratory to serve each of the regions indicated in the Synopsis of this Grant Information Package. Proposals for institutional operations will be due early in the 1985 calendar year, and five-year awards will be made in July, 1985, for work to begin no earlier than October 1, 1985 and ending November 30, 1990.

This document is organized according to the following plan:

- o The Synopsis provides a brief overview of the critical information a reader needs to decide whether or not to review the full Grant Information Package.
- o Section II, Background, cites the legislation that is the authority for NIE's support of the laboratories; lists the sources of planning advice consulted by NIE in preparation for the competitions; and briefly presents NIE's view of the purposes, functions and governance structure of laboratories. The section also uses a framework of five activity clusters to discuss the nature of the work NIE believes is appropriate for a regional educational laboratory.

These discussions are intended to inform prospective applicants about NIE's view of the structure and the work of the labs and aid them in designing and proposing a useful set of planning activities.

- o Section III, Planning Activities, presents a discussion of activities that are encouraged and those that are excluded under planning grants. A requirement and an outline for a final report on planning activities is also presented.
- o Section IV, provides instructions for preparing technical applications and budget applications.
- o Section V, states the eligibility requirements for planning grants. The eligibility requirements for planning grants are less restrictive than those for institutional awards.

Potential applicants who are also interested in competing in the later competitions for institutional operations awards are advised to consult the regulations for the Regional Education Laboratories and Research and Development Centers Program (34 CFR Parts 706 and 707 -- see Appendix C) for a statement of the applicable eligibility requirements.

- o Section VI makes reference to the selection criteria for planning grants and indicates the number of evaluation points assigned to each category. The full statement of evaluation criteria for planning grants is found in 34 CFR §707.31, which appears in Appendix C.
- o Sections VII and VIII contain additional information needed to prepare and submit applications.

## II. BACKGROUND

The competitions for laboratory awards follow nearly two decades of federally supported institutional research and development (R&D) services in education. With guidance from the Congress to hold these competitions, NIE has taken this opportunity to draw on many sources of advice and successful past experience in shaping an overall plan for future laboratory services. This section describes NIE's view of what promises to be an exciting and productive course of action for continuing the work of the regional educational laboratories. Topics included in this section are:

- A. A review of NIE's authorizing legislation concerning the role of laboratories;
- B. Sources of advice regarding NIE's position on the role of laboratories;
- C. An overview of the mission, functions and governance structure of laboratories; and
- D. A statement of areas of activity NIE wishes to encourage in laboratories.

### A. Legislation

Authority for the competitions for planning grants is in Section 405(e) of the General Education Provisions Act (GEPA), as amended (20 U.S.C. 1221e). Section 405(f) mandates that NIE provide institutional support to regional educational laboratories. See Appendix A for the text of the relevant portions of 405(e) and 405(f) of GEPA.

### B. Sources of Planning Advice

During the past year the National Institute of Education has solicited advice from many sources around the country in preparation for the laboratory competitions required by Congress. Each of the activities listed below has resulted in useful views on the functions and purposes of laboratories. Formal reports or summaries are available for some of these activities. (See Appendix B for a fuller description.)

- o Regional Open Meetings
- o National Council on Educational Research
- o The Laboratory Study Group
- o The Director's National Panel
- o NIE Staff Analyses

Information from these and other sources has been reviewed as part of the process that has led NIE to adopt the following positions regarding the future nature and work of the regional educational laboratories. These views are consistent with legislative mandates and sharpen the focus of laboratories to promote more effective use of resources, greater consistency across laboratories, increased collaboration among laboratories, and stronger relationships between laboratories and other R&D organizations in their regions.

C. The Mission, Functions and Governance Structure of Regional Educational Laboratories.

This section presents NIE's position regarding the nature of the work the Institute wishes to sponsor in regional educational laboratories. The discussion includes references to the Program Regulations (34 CFR Parts 706 and 707) which govern this competition. The discussion is organized around six statements about the mission, functions and governance structure of laboratories:

1. Laboratories focus on school and classroom improvement.
2. Laboratories feature dissemination and assistance strategies.
3. Laboratories engage in applied research and development that supports improvement.
4. Laboratories serve designated regions.
5. Laboratories have independent governing boards.
6. Laboratories are part of a nationwide system.

1. Laboratories focus on school and classroom improvement. In the past, laboratories have tended to pursue the broadly defined goal of general educational improvement. Laboratories are likely to have a greater impact in their regions, however, if their purpose is carefully narrowed to a focus on school and classroom improvement, resulting in increased attention to issues of student learning.

NIE defines school and classroom improvement as effective implementation of those research, development, dissemination, assistance and training activities that have potential in the near term (one to three years) to positively affect the quality of instruction and management in elementary and secondary schools. Focusing the NIE-funded work of laboratories more keenly on facilitating school improvement is a promising direction for the future for the following reasons:

- o It has greater potential for positively affecting teaching practices and student outcomes than do more general strategies;
- o It responds to public interest and concern for quality education;
- o It is an area where there is a well developed research base on which to build successful improvement strategies;
- o It provides a stimulus for laboratories to increase activity in an area that already accounts for a significant proportion of their work;
- o It achieves greater comparability of purpose across laboratories, and consequently increases the opportunities for sharing resources and engaging in cooperative improvement activities with other laboratories; and
- o It makes it easier to communicate clearly about the work of the laboratories and to assess their individual and aggregate impact.

For the above reasons, the Secretary intends in the forthcoming competition for institutional operations awards to announce school and classroom improvement as a general invitational priority as provided under 34 CFR §706.12. The emphasis on school and classroom improvement is derived from a combination of the following individual priorities in the regulations:

- o Instructional processes;
- o Organization and management of schools, including effective school administration and leadership;
- o Dissemination and knowledge utilization in education;
- o Change and improvement processes in education;
- o Elementary education; and
- o Secondary education.

2. Laboratories feature dissemination and assistance strategies.

Laboratories are required by law and regulation to "insure that information developed as a result of ... research and development activities, including new educational methods, practices, techniques, and products, be disseminated." (34 CFR §706.21) (20 U.S.C. 1221e (f)) Laboratories are also required to "facilitate communication among educational agencies and individuals in the region." (34 CFR §707.41 (c))

Laboratories have a strong dissemination mandate that rests both in the law and in regulation. In this regard, laboratories play a pivotal role in the process of moving research into practice and helping researchers understand the practical problems and insights of practitioners. Laboratories are expected to have strong links both with the people who do research and with practitioners who use research to improve schools. Because the laboratories span state boundaries and because they are linked with the R&D centers in a larger nationwide system, they are in a uniquely favorable position to make connections between the producers and users of research.

The dissemination activities of a laboratory may take several general forms, within its overall mission of improving schools and classrooms through assistance strategies:

- o responding to specific information requests from a wide array of clients;
- o disseminating research knowledge through reports, synthesis products, newsletters, other special or periodical publications, and through such other means as telecommunications networks;
- o holding forums (conferences, seminars, workshops) that provide clients with an understanding of current research and its potential for addressing pressing regional needs; and

- o organizing networks that facilitate communication and resource sharing among organizations and individuals in the region who conduct research; who provide dissemination and knowledge utilization assistance; who provide educational services in SEAs, districts, schools and classrooms; and who make state level decisions about education.

As these illustrations suggest, laboratories are encouraged to engage in both responsive and proactive, or targeted, dissemination approaches. Although laboratory dissemination efforts draw upon the results of successful research and practice from many sources, special emphasis is placed on disseminating the results of the research and development efforts of other laboratories and the centers.

Laboratories are required under 34 CFR §706.21 (d) and (e) to:

- o Provide technical assistance to appropriate educational agencies and institutions; and
- o To the extent practicable, provide training for individuals, emphasizing training opportunities for women and members of minority groups, in the use of new educational methods, practices, techniques, and products developed in connection with those activities.

Laboratories pursue school and classroom improvement by drawing on the results of their own research and development and that of others to design and deliver a range of knowledge dissemination, technical assistance and professional development services to clients in their regions. The unique interactive blend of research, development and assistance in the work of the laboratories has resulted already in some powerful tools for school improvement. The approach holds even greater promise as NIE and the laboratories, through these competitions, jointly focus on the goal of improved school and classroom level practice.

Although laboratories have documented some remarkable successes at classroom level intervention, they generally lack the resources for working directly with any significant number of schools and classrooms in their region. Furthermore, in most regions a host of organizations already provide assistance to districts, schools and classrooms or to groups of professional educators such as teachers or administrators. These include state education agencies (SEAs), regional or intermediate units, state associations of educators, schools and colleges of education, parent training groups, networks of local school districts and many others. Laboratories are uniquely situated to work with such organizations in cooperative school improvement efforts, and at the same time help them strengthen their own assistance capabilities. This is a role in which laboratories have worked successfully in the past, creating or locating research-based resources for improvement, assisting in the design of improvement strategies, and conducting training activities for staff engaged in improvement processes.

Through this competition NIE wishes to emphasize an improvement approach of working with and through an even wider range of client organizations than is now the case. Two groups are particularly emphasized as direct clients: organizations that provide improvement assistance directly to schools and classrooms, and state-level decision-makers whose legislative, policy-making, regulatory and other functions have immense implications for school improvement efforts.

It is not NIE's intent, however, to restrict laboratories from all direct work with districts, schools and classrooms. Direct assistance at the local level may be appropriate, for example, in the following circumstances:

- o A region or some of its member states may have few assisting organizations with which the laboratory can work.
- o Large school districts have their own assistance units that may become laboratory clients.
- o Labs may work directly with schools and classrooms that wish to field test or pilot the products or improvement strategies the lab has developed. Local school staff may be active co-participants in research and development projects as well.

Also, NIE recognizes the potential of laboratories working through networks of local practitioners or parents, as well as the formal organizations devoted to assisting improvement.

Although the indirect role may provide less visibility for the labs, it strengthens rather than duplicates existing state and local improvement resources and leaves at the state and local level decisions about how laboratory products and services will be used.

3. Laboratories engage in applied research and development that support improvement. Laboratories are required to "be responsible for the conduct of ... research and development activities." (34 CFR §706.21) (20 U.S.C. (1221e(f)) (20 U.S.C. 1221e (f)) The requirement is refined and narrowed in a subsequent statement that the laboratory shall "conduct applied research, development, and related activities to address regional needs." (34 CFR §707.41)

Laboratories have a tradition of productive work in the area of applied research. Although this announcement discourages participation in longer-term, cumulative research on general education topics, research plays an important part in the work of the laboratories. Through these competitions laboratories are encouraged to engage in shorter-term applied research (one to three year duration) that offers the prospect of direct application for improved practice, and improved state-level policy deliberation on improvement issues. The research activity of laboratories could take the form of:

- o systematic assessment of dissemination and school improvement activities to identify approaches that are most effective;



- o short term investigations to fill critical gaps in knowledge that become apparent as a lab is converting research outcomes into useful school improvement products;
- o analysis of existing and proposed regulatory requirements and their implications for classroom quality;
- o research partnerships with centers, particularly by coordinating studies in cooperation with schools and districts;
- o special analyses of severe and persistent educational needs or problems of the region; and
- o opportunities for teachers and other practitioners to participate in cooperative research on issues related to classroom practice.

In addition, laboratories are strongly encouraged to draw on research outcomes from a variety of sources to develop and field test research-based resources for school improvement. A few examples are:

- o workshop and training materials for teachers and administrators;
- o training modules and guides for use by teacher trainers;
- o directories that help locate successful programs, useful materials or sources of assistance; and
- o publications, video tapes or computerized files that contain research findings in useful forms.

However, laboratories are discouraged from engaging in long-term curriculum development efforts.

The quality of assistance provided by laboratories is based on a unique combination of research, development, and dissemination functions. Regional laboratories are one of the few types of organizations in education to combine these creative and service functions. NIE believes that laboratories realize their greatest potential for improving education when these functions are closely connected and well integrated. The research problems and development efforts selected by laboratories should be guided both by the needs of regional clients and opportunities to advance our understanding of key problems in school and classroom management and the processes of school improvement. The assistance activities should be informed by and reflect the best available research knowledge. These goals require careful attention be given to such issues as building a balanced set of staff members, creating links for communication and joint planning, and rewarding and promoting high quality efforts in each area of laboratory activity.

4. Laboratories serve designated regions. Each laboratory must serve a specified region of the country and must be accountable to its region through a broadly representative board of directors. The laboratory is required to "identify concerns and priorities through regionally representative governing and advisory structures and activities that help regional clients define their needs." (34 CFR §707.41 (d))

In this way, the work of the laboratory is closely tied to the pressing educational needs and interests of its region. Its strategies reflect and are tailored to the special characteristics of those it serves, and the activities in which the laboratory engages complement and enhance the work of other organizations that offer assistance.

As explained in the statement of tasks to be performed, NIE will also support cooperative arrangements for sharing products and services among the laboratories. In addition, laboratories may respond to additional funding opportunities from outside the region to complement and strengthen their basic mission of regional service. NIE strongly encourages laboratories to extend and multiply the benefits of core support from NIE through additional support from clients within their region. However, because of their role in building collaborative links with other R&D agencies, laboratories must exercise caution in competing for such support with other service providers in the region.

5. Laboratories have independent governing boards. A regional educational laboratory is governed by a board of directors "that (1) is accountable to NIE for insuring that the laboratory satisfies the terms and conditions of the award and (2) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies." (34 CFR §707.41)

These two post-award requirements underscore the intent that a single governing board for the laboratory be ultimately responsible for the laboratory's performance under its NIE award, as well as accountable to the region through the composition of its membership. The requirement for balanced representation from the region is intended to insure neutrality and equity in the selection of clients and the delivery of services.

Chief state school officers are key constituents of regional educational laboratories, since they head the agency with jurisdictional authority for elementary and secondary education in their state. NIE strongly recommends, therefore, that every chief state school officer in the region be offered the opportunity for membership on the laboratory's governing board. In addition NIE strongly recommends that the remaining board membership be composed of about equal numbers from each of the following two broad categories:

- o educators, such as teachers, school and district administrators, representatives of postsecondary and teacher education, staff from intermediate service agencies or other regional educational organizations, private school officials, researchers, and other education professionals; and
- o public participants, such as local school board members, parents, representatives of business and industry, state legislators and state board of education members, and the community at large.

Examples of how laboratories can develop regionally responsive boards include the following:

- o establish rotating terms for board membership;
- o provide an opportunity for laboratory constituents to participate in the nomination of board members; and
- o develop guidelines for balancing board membership by state and for assuring equitable representation by women and members of racial and ethnic minorities.

Board responsibilities should include the following:

- a. Hiring and reviewing the performance of the Executive Director;
- b. Establishing annual and long-term goals and priorities for the laboratory;
- c. Reviewing and approving programs as submitted by laboratory managers;
- d. Building relationships with constituents, other R&D organizations, funding sources, and the public;
- e. Reviewing the conduct and progress of programs and activities; and
- f. Reviewing the management of the laboratory, including annual fiscal audits and compliance with contractual and legal requirements.

6. Laboratories are part of a nationwide system. Since 1976 the laboratories have cooperated with one another through the Research and Development Exchange program (RDx), a network of Regional Exchange (Rx) projects typically located in the laboratories. The RDx network provides an opportunity for the individual Regional Exchanges to enhance and extend their dissemination and assistance activities within their region by cooperating with the other exchanges to share ideas, information and products; to work jointly on the development of resources for improvement; and to engage in improvement efforts that involve more than a single region. NIE believes that the collaborative activity of the Regional Exchanges through the RDx, as well as other instances of cooperative work among the laboratories, is important and should be continued in some form as a result of the competitions for institutional operations awards.

The network of laboratories is a unique and valuable resource for helping achieve educational improvement objectives that benefit from cooperation among regions. Through these competitions, NIE intends that every state, including extra-state jurisdictions, will be included in a laboratory region. NIE intends to provide incentives for cooperative work among the laboratories that capitalizes on their potential as a system. This will include encouragement of cooperative activities with the NIE-funded research and development centers.

To accomplish this the Institute will encourage each laboratory to designate a small, but fixed, portion of its NIE funding for two kinds of activity. The first kind of activity is cross-laboratory cooperative

activity, in which NIE will be a partner. A coordinating group representing each of the laboratories and NIE will work together to identify procedures for carrying out cooperative projects. The second kind of activity consists of initiatives chosen by or in consultation with the Director of NIE. Nationwide initiatives on priorities jointly identified by NIE and the laboratories will be cooperatively planned and guided by the same coordinating group that serves for other cross-laboratory activities. NIE believes that these activities will add a new dimension to the service capabilities of the laboratories by enhancing their work in the region at the same time the role of the laboratories as a national resource is being strengthened.

The National Institute of Education encourages participation in cross-institutional cooperative activity with other laboratories and centers as a way to satisfy the post-award requirements that laboratories shall "promote the use in the region of research and development results from all sources inside and outside the region, including the laboratory," and "collaborate with centers and other laboratories in order to carry out more effectively significant portions of the terms and conditions of the award." (34 CFR §707.41 (e) and (f)).

Such collaboration was contemplated by the statutory scheme of section 405(f) of GEPA, which assumes laboratories and centers to be not a collection of unrelated organizations but rather a program of mutually reinforcing organizations with some major activities in common, as reflected in the assurances described both in §706.21 of these regulations and in the statute.

Laboratories' participation in nationwide initiatives on priorities jointly identified by NIE and the laboratories is based on provisions in NIE's authorizing legislation which state that:

Proposals for such assistance are developed by the regional educational laboratories and the research and development centers in consultation with the Director. . . The Director determines that the proposed activities will be consistent with the education research and development program and dissemination activities which are being conducted by the Institute.

(20 U.S.C.1221e(f) (2) (B) and (f) (2) (D))

D. Laboratory Activities.

This section builds on the preceeding statement of the mission, functions and governance structure of laboratories. Five specific areas of activity are described for which NIE wishes to offer support through future competitions for five-year laboratory institutional operations awards. These statements are included in this announcement to help applicants for a planning grant clearly understand activities that are likely to be required of future awards for laboratory operations.

These include:

1. Work with and through existing organizations to improve schools and classrooms.
2. Work with state-level decisionmakers on school improvement issues.
3. Work to create research-and-development based resources for school improvement.
4. Work in cooperation with other laboratories and work on national educational problems.
5. Work to develop an effective governance and management system for the laboratory.

1. Work with and through existing organizations to improve schools and classrooms

NIE believes that a laboratory should develop and implement strategies to enhance school improvement initiatives in the different states in the region, and for schools and districts in different types of communities, with differing types of problems.

A laboratory is encouraged to develop cooperative relationships with the different organizations involved in school improvement in its region, and with networks of those organizations. Primary clients for such efforts may include state departments of education, regional or intermediate units, state associations of educators, schools and colleges of education, parent training groups, and networks of local districts. Appropriate activities could include:

- o synthesizing and disseminating research on topics such as components of effective schools, instructional practices or school improvement processes;
- o developing and field testing dissemination and training strategies;
- o training clients in the use of materials and programs developed by laboratories;
- o building networks of assisting organizations; and
- o acting as a clearinghouse for sharing resources within the region.

The laboratory may carry out some direct service at the local level in settings where other providers are not present or may work with local schools to develop and test new approaches, as discussed in Section II.C.2.

2. Work with state-level decisionmakers on school improvement issues

NIE also believes that a laboratory should assist agents such as state departments of education, legislative committees, state boards of education, and state-level associations of educators and parents. While some national organizations are sources of research and technical assistance for these groups, the laboratory, because of its regional

structure and location, is uniquely positioned to complement these efforts with more targeted services such as:

- o analyzing regulations, such as those for teacher certification or school accreditation to see how consistent they are with research;
- o reviewing approaches and experiences of different states in handling similar problems;
- o synthesizing research that could inform pending state level decisions; and
- o developing state-level communication and sharing networks within the region.

A laboratory should not advocate for or against particular pieces of legislation. A laboratory should be a source of neutral, research-based knowledge, assistance, and products. A laboratory might provide assistance through staff or consultants, publications, conferences, matching grants to regional groups for research or analysis, or through collaboration with other laboratories and national organizations concerned with informing state-level decisionmakers on educational improvement issues.

3. Work to create research and development-based resources for school improvement

The assistance and service functions of a laboratory should be based on a critical, up-to-date knowledge of research on issues such as effective teaching, the organization, management, and leadership of effective schools, school improvement strategies, and the range and effectiveness of different state-level approaches to key problems in education. A laboratory also needs to be familiar with the state of the art in terms of available materials, training models, handbooks, publications, and other resources which bring research to practicing educators and decisionmakers and contribute to school improvement efforts.

NIE intends that the research undertaken by a laboratory be related to its core mission of school and classroom improvement. In planning their research, laboratories should take into account gaps in our current knowledge, appropriate "next steps" that build on past research, the need for replication or adaptation of critical studies in different regional contexts, needs of regional groups, and important problems unattended to by other researchers in the region. Research topics should be particularly guided by a laboratory's experience in school improvement and assistance to state-level decisionmakers. As noted in Section II.C.3., NIE expects the research carried out by laboratories to be shorter-term and applied in nature. Laboratories are also encouraged by NIE to collaborate with other agencies within the region in joint research projects, in directing attention to neglected problems or lines of inquiry, or in cooperative efforts with NIE research centers.

NIE also encourages laboratories to set aside resources for development of products, materials, training designs or other practical aides for the improvement process in their region. Development efforts are expected to include careful quality control, analysis of the needs of specific audiences, and recognition of the capabilities of different delivery systems.

4. Work in cooperation with other laboratories and work on national educational problems

As a result of competitions for institutional awards, NIE expects to work cooperatively with the laboratories on activities that capitalize on their potential as a unique nationwide network of R&D assistance organizations. Activities are expected to include the following:

- o stimulating cross-laboratory communication and sharing regarding R&D needs, products, practices, and activities through such means as meetings, newsletters or electronic networks;
- o cooperating in the development of resources for improvement, such as syntheses of research, training modules or workshops designs;
- o engaging in collaborative improvement efforts across regional boundaries;
- o participating in activities designed to draw on the laboratories' knowledge of regional needs to assist NIE and the Department of Education to understand better the needs and interests of educational practitioners in the separate regions and nationwide; and
- o cooperating in work on national research, dissemination or improvement problems jointly identified by the laboratories and the Director of NIE.

This cooperative activity will be accomplished through a structure of coordinating and task groups representing both the laboratories and NIE, and will operate both at management and program levels. NIE expects to incorporate further details concerning this category of activity into the Request for Proposals in the later competitions for institutional operations awards. Following the awards for institutional operations, representatives from the laboratories and from the Institute will work together to agree on procedures for coordinating cooperative activity.

5. Work to develop an effective governance and management system for the laboratory

NIE believes that an important part of laboratory activity has to do with strengthening its institutional capabilities, particularly through the development of effective governance and management systems. In this regard, there are several activities that NIE expects to require in future competitions for laboratory institutional operations awards.

a. Create and maintain a governing board and advisory mechanisms

Once an award to operate a laboratory is made, the winning organization must take steps to meet the requirements for governing board composition that are suggested in Section II.C.5., and be prepared to carry out its responsibilities for setting policy and overseeing laboratory work. For a new organization, for example, this might require selecting, recruiting and training board members, and providing staff assistance in developing by-laws, a committee structure and materials for legal incorporation.

In addition to the permanent governing board, a laboratory may wish to establish other groups, committees, or advisory mechanisms for more particular purposes of program planning, evaluation, or development. These could be organized on a state-by-state basis in relation to all the services of the laboratory, or on a project by project basis.

b. Develop management systems and procedures for the laboratory

NIE expects each laboratory to develop sound policies for the fiscal, program, communication, decision making, property, and other managerial aspects of the lab. An important element is the area of personnel policies, including plans and procedures for the recruitment, selection, compensation, evaluation and professional development of staff and managers. Written procedures should be created or adapted to provide for uniform treatment of problems, adequate documentation of decisions, and timely responsiveness to clients and funding sources. The Board should be involved in reviewing and approving these policies.

c. Assess regional needs, capabilities and opportunities

The laboratory should continuously expand and refine its understanding of regional needs. NIE also expects each laboratory to gather data and views from the region to provide information for decisions about the laboratory's work. This includes gathering and analyzing existing materials on regional needs (e.g. planning documents from state departments of education), and contacting existing organizations which provide research, development, dissemination, or technical assistance in the region. Data on their activities are crucial to identifying gaps in services and possible partners for collaboration with the laboratory.

d. Conduct self-evaluation of laboratory projects and services

A laboratory's management and governing board are responsible for ensuring high quality in the design and conduct of all activities and for the assessment of outcomes and results of all laboratory programs. NIE expects the laboratory to design and carry out evaluations that assess the extent to which laboratory services are reaching intended audiences; high quality products and services are being developed and delivered; the work of the lab is having a positive effect on educators and on educational practice; and information from the self-assessment is being used to influence the decisions of laboratory managers. Results of these assessments should be used in planning new initiatives, in staff evaluations, in developing materials to report to the region and to NIE on the effectiveness and accomplishments of the laboratory, and in contributing to knowledge about effective strategies for improving education.





### III. ACTIVITIES

#### A. Purpose of Planning Grants

The purpose of planning grants is to assist grantees with planning activities that necessarily precede competition for an institutional operations award. Activities conducted under planning grants can improve potential competitors' knowledge of the educational problems and opportunities of the region, strengthen their links with appropriate client groups, and more fully develop their concept of the most effective laboratory role, structure, strategies and programs. NIE believes that planning grants will increase interest among applicants and strengthen the quality of competing ideas and strategies that are advanced during the later competitions for institutional operations awards.

#### B. Approved Planning Activities

Applicants are particularly encouraged to propose planning activities that build familiarity with data and trends regarding the R&D needs and capabilities of the region; that increase understanding of factors that can enhance or frustrate the work of a laboratory; that help draw implications for planning from research and from experience; and that examine possible relationships with other organizations in the region and explore strategic options for carrying out the functions of a regional laboratory.

The following examples of planning activities are meant to be illustrative only and should not be viewed either as requirements or as constraints.

1. Collect and analyze information about the region. Grantees may use their award to review information such as the following:

- o The most important and persistent educational needs of the region toward which the R&D-based services of a laboratory might be directed;
- o The effectiveness with which these needs have been addressed in the past;
- o The demographic, economic, political, social, or geographic characteristics of the region, and their implications for the strategies and activities of a laboratory; and
- o The most important trends expected to influence education in the region over the next five to ten years.

2. Review the research and other literature. A review of current knowledge on the establishment and operation of regional educational laboratories could help to identify and answer crucial questions about proposed laboratory structure, program and service strategies.

3. Consult with appropriate groups in the region. The grantee may wish to arrange meetings, conferences or discussions with key stakeholder groups in the region, including educators, policymakers, researchers and others. Such activities could provide information about:

- o the groups and organizations currently providing educational research and development services in the region;
- o the kinds of research and development services that are lacking and why;
- o the key service opportunities where a regional laboratory could achieve impact and garner support; and
- o potential relationships for a regional laboratory with other organizations in the region.

4. Design specific laboratory structures, functions, strategies or programs. Planning awards may support staff activity to develop ideas for such laboratory features as:

- o governance and advisory mechanisms;
- o organizational structure and staffing plans;
- o needs assessment and priority setting mechanisms;
- o process and impact evaluation designs;
- o service strategies; and
- o program components.

C. Excluded Activities

Planning awards may not be used for any purpose that does not constitute planning, including the following purposes:

- o to recruit members for a governing board;
- o to build political support for a recipient's own or any other application for an institutional operations award; or
- o to provide services.

D. Planning Reports

A final report (See Section VIII.A.) describing the activities undertaken during the planning phase is due at NIE within 90 days after the close of the grant period. The report should contain:

- o a list and description of the principal activities carried out with resources from the planning award;
- o a log of the critical events that occurred during the planning phase;
- o a list of persons who were consulted, who attended meetings, or who otherwise participated in the planning process;
- o a summary statement of specific concepts, strategies or program ideas that emerged during the planning phase;
- o copies of working papers, analyses or other documents developed as part of the planning process; and
- o a summary of the evaluation of work conducted under the planning award.

The planning grant reports will be made available as public documents to the recipient of the institutional operations award in each region so that the ideas can be used to strengthen the laboratory's service approaches.

#### IV. INSTRUCTIONS FOR PREPARING APPLICATIONS

##### A. Instructions for Preparing Technical Applications

Note: Applicants for planning grants in the Northwestern Region (region 9) and the Pacific Basin Region (region 10) must include provisions for planning activities in both regions.

The application notice should be prepared and organized as follows:

1. A completed Standard Form 424 (See Section VIII.B.) is to be used as a cover sheet for the application. The page immediately following the SF 424 should contain the name, address and telephone number of the proposed Project Director.
2. A non-technically worded abstract, of not more than 250 words, single-spaced describing the proposed planning project.
3. A table of contents.
4. A technical discussion that contains a brief analysis of the critical issues underlying the planning process, and that presents and develops the planning activities being proposed. The technical discussion in applications for planning awards is expected to include, but is not limited to, the following kinds of information:
  - a. A discussion of the key strengths and problems of the education systems (public and private; elementary, secondary, and post-secondary) of the region and beyond, as well as the most important trends influencing education and their likely impact over the next 5-10 years;
  - b. A discussion of the existing research, development, dissemination and assistance capabilities in the region, coupled with creative strategies concerning a productive role for a laboratory in the context of other organizations currently providing R&D services;
  - c. A discussion of past and present effective regional laboratory approaches, within the region and elsewhere;
  - d. A discussion of some of the most important obstacles and opportunities facing a laboratory in the region and strategies for responding to them; and
  - e. Workable plans for how the award will be used to develop, in collaboration with potential client groups and other stakeholders, specific ideas for providing laboratory services in the region.

5. A plan for accomplishing the proposed activities that includes:
  - a. A brief discussion of the proposed management system, personnel, and timelines for performing the work. If consultant, consortium, or subcontract arrangements are planned, the rationale for these relationships should be presented.
  - b. A staffing plan which specifies for each staff member the assignment of specific tasks, percentage of time, and salary levels.
  - c. Information on the relationship between the proposed activities and the level of effort assigned, including staff time and other resources.
  - d. A brief plan for evaluating the work proposed.
6. Statements of staff and organizational qualifications.
  - a. Resumes of all professional staff and consultants who will be involved in the project.
  - b. Organizational experience and achievements that are related to the purpose of this announcement, including experience in performing planning tasks and research and service functions within the region.

B. Instructions for Preparing Budget Applications

An applicant must use the following budget format. Supplementary budgets or budget information in the format of the applicant's choice may also be included. An applicant must submit budgets supported by cost or pricing data in sufficient detail to establish the reasonableness of the proposed amounts. A separate budget justification should describe each line item in detail and also the basis for each program task. Where the applicant is a consortium, the budget should reflect individual levels of activity for each participant.

An applicant should pay particular attention to the cost principles stated in 34 CFR Part 74, Appendix F: "Principles for Determining Costs Applicable to Grants and Contracts with Nonprofit Institutions." A thorough review of these rules should help applicants develop a budget that avoids the inclusion of nonallowable cost items.

- (a) For lines 1, 2, and 3 provide a breakdown of direct labor cost estimates, including number of person-hours and applicable actual or average hourly rates.
- (b) For lines 4, 5, 6 and 7 estimates should be supported by breakdowns including duration, purpose and cost.
- (c) For lines 8, 9, and 10, break down costs into purchased, contracted and other items.
- (d) For line 11 an analysis identifying the elements included under other direct costs.
- (e) List the name(s) and telephone number(s) of person(s) authorized to conduct negotiations.

Asterisked Items on Budget Table (see Budget Summary sheet.)

\* Applicants shall furnish the following information relative to INDIRECT COSTS:

- 1. Indirect Cost Rate:
- 2. Type of Rate: Provisional \_\_\_\_\_  
Fixed \_\_\_\_\_  
Pre-Determined \_\_\_\_\_
- 3. Date of Agreement and  
Cognizant Audit Agency  
(furnish copy of most  
recent negotiated Rate  
Agreement)

\*\* Cost Sharing

Applicants should indicate the type and amount of cost-sharing they propose on the budget summary sheet.

C. Instructions for Requesting Limited Public Disclosure

Because these competitions for planning grants are part of a comprehensive process for establishing competitively funded laboratories nationwide (the second part consists of competitions for institutional operations awards), NIE will endeavor to protect from public disclosure, where appropriate, applications for planning grants until after institutional operations awards have been made. NIE considers that disclosure of either the successful or unsuccessful planning grant applications before the institutional operations awards are made could put applicants at an unfair competitive disadvantage. Any applicant who considers that its entire proposal or any portion thereof should be withheld from public disclosure, therefore, should place an appropriate legend upon its application to assist NIE in dealing with this matter.

Budget Summary for Planning Project

Region

Project Activities

Total

Printing

7. Communications

8. General Supplies

9. Capital  
Expenditures

10. Equipment

11. Other Direct Costs

TOTAL DIRECT COST:

INDIRECT COSTS:

TOTAL COST:

COST SHARING:\*\*

FEDERAL FUNDS REQUESTED:

V. ELIGIBILITY REQUIREMENTS

Any public or private organization, institution, agency or individual may apply for a planning grant under these competitions. A consortium of eligible agencies and organizations may also apply, but a single entity must be designated as the recipient of the award.

VI. SELECTION CRITERIA

In evaluating applications, reviewers will use the selection criteria for laboratory planning awards contained in 34 CFR §707.31. (See Appendix C.) The maximum number of possible points for all selection criteria is 100, distributed as follows:

- a. Understanding of the educational settings and issues in the regions. (25 points maximum)
- b. Organizational ability to conduct planning and design tasks. (20 points maximum)
- c. Plan of operation. (20 points maximum)
- d. Quality of key personnel. (20 points maximum)
- e. Budget and cost effectiveness. (5 points maximum)
- f. Evaluation plan. (5 points maximum)
- g. Adequacy of resources. (5 points maximum)





## VII. INSTRUCTIONS FOR SUBMITTING APPLICATIONS

### A. The Application Package.

The application shall be in two parts: a Technical Application and a Budget Application. Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of and concurrently with evaluation of the other. The technical application should not contain any reference to cost; however, it should contain resources information, such as data concerning labor hours and categories, materials, subcontracts, etc.

Applicants are urged to limit their technical application to 50 single-spaced pages or less and their total application to 65 single-spaced pages or less.

Each application package must include one (1) original plus two (2) copies, at least one of which should be unbound.

Each application shall be signed by an official authorized to bind the applicant organization.

### B. Applications Submitted by Mail

An application sent by mail must be addressed to the National Institute of Education, Proposal Clearinghouse, Room 619, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

Applications must be mailed by September 26, 1984. Applicants must show one of the following as proof of the mailing date:

- (a) A legibly dated U.S. Postal Service postmark.
- (b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (c) A dated shipping label, invoice, or receipt from a commercial carrier.
- (d) Any proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mailing receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or first-class mail. Each late applicant will be notified that the application will not be considered.

C. Applications Delivered by Hand

An application that is hand delivered must be taken to the National Institute of Education, Proposal Clearinghouse, Room 619, Brown Building, 1200 19th Street, N.W., Washington, D.C. 20208.

The Proposal Clearinghouse will accept a hand-delivered application between 8:00 a.m. and 4:00 p.m. (Washington, D.C. Time), daily except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:00 p.m. on September 26, 1985.

APPLICANTS ARE URGED NOT TO PLAN FOR DELIVERY OF APPLICATIONS ON THE LAST DAY. A NUMBER OF APPLICANTS TO PRIOR COMPETITIONS HAVE BEEN DISAPPOINTED BECAUSE UNFORESEEN CONDITIONS, SUCH AS INCLEMENT WEATHER OR UNRELIABLE DELIVERY SERVICES, PREVENTED THEIR MEETING THE ESTABLISHED DEADLINE. NIE STAFF DO NOT HAVE AUTHORITY TO DEVIATE FROM ANNOUNCED DEADLINES IN ORDER TO ACCOMMODATE INDIVIDUALS.

## VIII. OTHER INFORMATION FOR APPLICANTS

### A. Awards and Administration

#### 1. Negotiation Process

Only the Grants Officer, a member of the staff of the Contracts and Grants Management Division, can commit the government concerning the award of funds or any other matter. Applicants should list the name(s) and telephone number(s) of persons authorized to conduct negotiations.

Notification that an applicant has been approved for negotiation of an award will come initially by letter, with a follow-up telephone call from the Contracts and Grants Management Division, usually with both the Project Officer and the Grants Officer on the line.

#### 2. Award Documents

When all negotiations have been completed, notification of funding is conveyed by a Notice of Grant Award signed by the Institute's Grants Officer, and addressed to the business office of the institution to which the grant is made.

This document legally commits the government to assisting the agreed-on project with Federal funds according to the final budget, for a period up to 12 months. The document incorporates the results of negotiations between the applicant and the NIE Grants Officer. These then comprise a statement of work to be performed. The document displays the approved budget for the period and the cost-sharing contribution, and incorporates procedural rules that apply to the award. Enclosed with the Notice of Grant Award will be forms for requesting payment and for reporting the financial status of the project.

The grant period begins on the date specified in the Notice of Grant Award and runs until the expiration date indicated. Expenditures incurred before the effective date of the grant may not be charged against the grant. Expenditures after the expiration date may be made only to honor documented commitments made before the expiration date.

#### 3. General Administration of Grants

The administration of NIE research grants is governed by the conditions stated in the Notice of Grant Award, including the regulations incorporated by reference.

#### 4. Organizations or Individuals Applying for the First Time

If an applicant has not recently received a grant from the Department of Education, it is important that persons responsible for submitting the application be familiar with the general policies and procedures for the administration of grants. The Department of Education has issued the Education Division General Administrative Regulations (EDGAR) that were published in the Federal Register on May 9, 1980 and

that are redesignated as 34 CFR Parts 74 through 78. The Regional Educational Laboratories and Research and Development Centers final regulations are applicable to this grant competition. (34 CFR Parts 706, 707 and 708 -- See Appendix C)

5. Adherence to Original Project Objectives

Applicants should feel free to pursue important directions that may emerge during the conduct of proposed work, or to deviate from the approach, or other aspects of the project if that will help achieve the mission objectives. The NIE Grants Officer must give prior approval, however, when a modification would alter a specific aspect of the project included in the terms and conditions of the original award, or would result in a major deviation from the stated objectives.

6. Adherence to Original Budget Estimates

The Notice of Grant Award includes a budget listing the items for which funds are provided. While the applicant's project director has reasonable flexibility to alter the direction of work when changes seem advantageous, the grantee institution must consider the effect of any budget reallocations on the indirect cost portion of the budget, and must observe the conditions prescribed by the award. Of particular interest to the project director are the following conditions that require specific prior written approval by the Institute's Grants Officer for the costs to be reallocated within a previously approved grant budget:

- a. Contractual (third-party) assignment of aspects of the research.
- b. Equipment, except as already approved.
- c. Production of publications over certain quantities, and production of films.
- d. Foreign travel.
- e. Transfer of indirect cost monies to absorb direct costs.

When a budget change requires NIE approval, two copies of a request, signed by the project director and by the grantee institution's authorized official, should be sent to the NIE Grants Officer. The request should clearly state which budget items are to be changed and by what amounts, and should explain the reasons for the changes.

7. Changes in Personnel

Written approval by the Grants Officer is required for any permanent change in senior personnel or for any temporary change in excess of 3 months, such as sabbatical leave. Further, NIE must be informed when it appears that a project director or other senior personnel will devote substantially less effort to the work than anticipated in the approved application.

8. Equipment

NIE prefers that funds not be spent to purchase equipment. NIE does not expect that the purchase or lease of equipment will be necessary to fulfill the requirements of a planning grant.

9. Subcontract

If a subcontract becomes necessary after a grant has been made, the grantee must submit for NIE Grants Officer approval the proposed performance statement and budget, a statement indicating the basis for the contract, and a justification of the proposed arrangement. The request must be signed by the project director and endorsed by the authorized institutional official.

10. Termination of Grants, Withholding of Funds, Disputes

NIE grants may be terminated for cause, in accordance with Institute and Department procedures. Grants may also be terminated by mutual agreement. Further, payment of grant funds may be withheld until a grantee corrects specific deficiencies.

11. Grant Reports

The following grant reports are required of recipients of planning awards.

- a. Financial Reports. Financial reports vary according to the method of payment; detailed information suited to the particular award will be furnished with the Notice of Grant Award.
- b. Final Report. Recipients of planning grants are encouraged to submit their final report on or before the end date of the project period. In any event, a final report is due within 90 days after the close of the grant period. An outline of contents of the final report for planning grants is presented in Section III.D.

12. Publication and Copyright

Publication and copyright are handled in accordance with Sections 75.620, 75.621, and 75.622 of the Education Department General Administrative Regulations (the EDGAR). Section 75.621(a) adopts the provision of 34 CFR §74.145 which essentially leaves copyright of all materials generated under the grant with the grantee, subject only to a rather broad license in the U.S. Government, unless greater rights are reserved to the Government in the grant itself. Under the license, the National Institute of Education receives "...a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use (the materials) for Federal Government purposes."

13. Acknowledgement of Support and Disclaimer

Any publication or dissemination effort based on activities supported by the Institute must contain the following acknowledgement: "This material is based upon work supported by the National Institute of Education under Grant Number \_\_\_\_\_. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Institute or the Department of Education." Grantees are urged to contact the program staff for the most current wording of this acknowledgement and disclaimer.

14. Protection of Human Subjects

The Department of Education is concerned with the protection of the rights and welfare of all persons who participate in Federally sponsored research and development activities. This concern extends to the protection of confidentiality of data and protection against physical, psychological, sociological, and legal injury as a result of participation. Grantees in this competition are expected to ensure that those protections are provided in the planning activities that they conduct.

**FEDERAL ASSISTANCE**

<b>1. TYPE OF SUBMISSION</b> (Mark appropriate box) <input type="checkbox"/> NOTICE OF INTENT (OPTIONAL) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION		<b>2. APPLICANT'S APPLICATION IDENTIFIER</b>		<b>3. STATE APPLICATION IDENTIFIER</b> NOTE: TO BE ASSIGNED BY STATE																			
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Leave Blank																							
<b>4. LEGAL APPLICANT/RECIPIENT</b> <b>a. Applicant Name</b>  <b>b. Organization Unit</b>  <b>c. Street/P.O. Box</b>  <b>d. City</b>  <b>e. State</b>  <b>1. Contact Person (Name &amp; Telephone No.)</b>			<b>5. EMPLOYER IDENTIFICATION NUMBER (EIN)</b>  <b>6. PROGRAM (From CFDA)</b> <b>a. NUMBER</b> 8 4 * 1 1 7 MULTIPLE <input type="checkbox"/> <b>b. TITLE</b> Educational Research and Development																				
<b>7. TITLE OF APPLICANT'S PROJECT</b> (Use section IV of this form to provide a summary description of the project.)			<b>8. TYPE OF APPLICANT/RECIPIENT</b> A—State B—Interstate C—Substate D—County E—City F—School District G—Special Purpose District H—Community Action Agency I—Higher Educational Institution J—Indian Tribe K—Other (Specify): Enter appropriate letter <input type="checkbox"/>																				
<b>9. AREA OF PROJECT IMPACT</b> (Names of cities, counties, states, etc.)		<b>10. ESTIMATED NUMBER OF PERSONS BENEFITING</b>		<b>11. TYPE OF ASSISTANCE</b> A—Basic Grant B—Supplemental Grant C—Loan D—Insurance E—Other Enter appropriate letter(s) <input type="checkbox"/>																			
<b>2. PROPOSED FUNDING</b>		<b>13. CONGRESSIONAL DISTRICTS OF:</b>		<b>14. TYPE OF APPLICATION</b> A—New B—Renewal C—Revision D—Construction E—Augmentation Enter appropriate letter <input type="checkbox"/>																			
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			<b>21. REMARKS ADDED</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																				
<b>12. THE APPLICANT CERTIFIES THAT</b>		<b>a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:</b> DATE _____ <b>b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW</b> <input type="checkbox"/>																					
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e. OTHER		.00																					
f. TOTAL	\$	.00																					
				<b>30. STARTING DATE</b> Year month date 19																			
				<b>32. ENDING DATE</b> Year month date 19																			
				<b>33. REMARKS ADDED</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																			



## GENERAL INSTRUCTIONS FOR THE SF-424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted in accordance with OMB Circular A-102. It will be used by Federal agencies to obtain applicant certification that states which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their review have been given an opportunity to review the applicant's submission.

### APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I with the exception of Box 3, "State Application Identifier." If an item is not applicable, write "NA." If additional space is needed, insert an asterisk "\*", and use Section IV. An explanation follows for each item:

Mark appropriate box. Preapplication and application are described in OMB Circular A-102 and Federal agency program instructions. Use of this form as a Notice of Intent is at State option. Federal agencies do not require Notices of Intent.

Applicant's own control number, if desired.

Date Section I is prepared (at applicant's option).

Number assigned by State.

Date assigned by State.

Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of the person who can provide further information about this request.

Employer Identification Number (EIN) of applicant as assigned by the Internal Revenue Service.

Use Catalog of Federal Domestic Assistance (CFDA) number assigned to program under which assistance is requested. If more than one program (e.g., joint funding), check "multiple" and explain in Section IV. If unknown, cite Public Law or U.S. Code.

Program title from CFDA. Abbreviate if necessary.

Use Section IV to provide a summary description of the project. If appropriate, i.e., if project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.

"City" includes town, township or other municipality.

List only largest unit or units affected, such as State, county, or city.

Estimated number of persons directly benefiting from project.

Check the type(s) of assistance requested.

A. Basic Grant—an original request for Federal funds.

B. Supplemental Grant—a request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

E. Other. Explain in Section IV.

Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included. If the action is a change in dollar amount of an existing grant

Item

(a revision or augmentation under item 14), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding, use totals and show program breakouts in Section IV. 12a—amount requested from Federal Government. 12b—amount applicant will contribute. 12c—amount from State, if applicant is not a State. 12d—amount from local government, if applicant is not a local government. 12e—amount from any other sources, explain in Section IV.

13b. The district(s) where most of action work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

14. A. New. A submittal for project not previously funded.

B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

D. Continuation. An extension for an additional funding/budget period for a project with a projected completion date.

E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15. Approximate date project expected to begin (usually associated with estimated date of availability of funding).

16. Estimated number of months to complete project after Federal funds are available.

17. Complete only for revisions (item 14c), or augmentations (item 14e)

18. Date preapplication/application must be submitted to Federal agency in order to be eligible for funding consideration.

19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20. Existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise, write "NA."

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

### APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete either item 22a or 22b and items 23a and 23b.

Complete if application is subject to Executive Order 12372 (State review and comment).

22b. Check if application is not subject to E.O. 12372.

23a. Name and title of authorized representative of legal applicant.

### FEDERAL AGENCY PROCEDURES FOR SECTION III

Applicant completes only Sections I and II. Section III is completed by Federal agencies.

Use to identify award actions.

Use Section IV to amplify where appropriate.

Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation under item 14), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding, use totals and show program breakouts in Section IV. 28a—amount awarded by Federal Government. 28b—amount applicant

will contribute. 28c—amount from State, if applicant is not a State. 28d—amount from local government, if applicant is not a local government. 28e—amount from any other sources, explain in Section IV.

29. Date action was taken on this request.

30. Date funds will become available.

31. Name and telephone number of agency person who can provide more information regarding this assistance.

32. Date after which funds will no longer be available for obligation.

33. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.

## PART V

### ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including OMB Circular No. A-95, and FMC 74-4 and 74-7, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

## CIVIL RIGHTS CERTIFICATE

### ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975

The applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Education.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.
2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.
3. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.
4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.
5. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply the applicant understands that assistance can be terminated and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may at its discretion seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application, and to commit the applicant to the above provisions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Official(s)

\_\_\_\_\_  
Name of Applicant or Recipient

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State, Zip Code

Appendix A -- Authorizing Legislation

GEPA Section 405(e)

Section 405(e) of the General Education Provisions Act 20 U.S. Code 1221e (PL 96-314) places with NIE authority for supporting programs of educational research, development, dissemination, training and technical assistance. The competitions for planning grants are being conducted under the authority of 405(e). The relevant provision appears below:

- (e)(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

Appendix A -- Authorizing Legislation

GEPA Section 405(f)

Section 405(f) of the General Education Provisions Act 20, U.S. Code 1221e (PL 96-314) places with NIE responsibility for supporting work in the regional educational laboratories and the research and development centers. The relationship between NIE and the institutions receiving support is described in the legislation as follows:

- (f) (1) In carrying out the functions of the Institute under this section, the Director shall, in accordance with the provision of this subsection, make grants to and enter into contracts with --
  - (A) regional educational laboratories established by public agencies or private nonprofit organizations; and
  - (B) research and development centers established by institutions of higher education or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development.
- (2) No grants shall be made and no contract entered into under this subsection unless--
  - (A) proposals for assistance under this subsection are solicited from regional educational laboratories and research and development centers by the Director;
  - (B) proposals for such assistance are developed by the regional educational laboratories and the research and development centers in consultation with the Director;
  - (C) proposals are submitted in an application, containing or accompanied by such information as is essential to carry out the provisions of this section, including assurances that the laboratory or center involved will --
    - (i) be responsible for the conduct of the research and development activities;
    - (ii) prepare a long-range plan relating to the conduct of such research and development activities;
    - (iii) insure that information developed as a result of such research and development activities, including new educational methods, practices, techniques, and products, be disseminated;
    - (iv) provide technical assistance to appropriate educational agencies and institutions; and
    - (v) to the extent practicable, providing training for individuals, emphasizing training opportunities for women and members of minority groups, in the use of new educational methods, practices, techniques, and products developed in connection with such activities; and
  - (D) The Director determines that the proposed activities will be consistent with the education research and development program and dissemination activities which are being conducted by the Institute.
- (3) No regional educational laboratory or research and development center receiving assistance under this subsection shall by reason of the receipt of such assistance be ineligible to receive any other assistance from the Institute authorized by law.

## Appendix B

### Sources of Planning Advice

#### Introduction

During the past year the National Institute of Education has engaged in a number of planning activities and has received advice from many sources in preparation for regional competitions for regional educational laboratories. Each of the activities listed below has resulted in useful views on the functions and purposes of laboratories; formal reports or summaries are available from some of these activities.

- o Regional Open Meetings. Viewpoints from a wide range of individuals and organizations were received by NIE at a series of 11 regional open meetings held in June, 1983. Oral and written testimony submitted at those meetings has been summarized by NIE. Copies of the summaries are available.
- o National Council on Educational Research. The NCER, NIE's policy body, has developed a "Statement of Principles" regarding the competition of the regional educational laboratories and the national research and development centers.
- o The Laboratory Study Group. A broadly representative national study group met for two three-day sessions in July and August, 1983 to review laboratory issues. A report containing the recommendations of the Laboratory Study Group is available.
- o The Director's National Advisory Panel. The Director's National Panel received the report of the Laboratory Study Group and further reviewed and discussed issues related to the laboratory competition in a series of three meetings.
- o NIE Staff Analyses. NIE program staff, after reviewing information from many sources, have prepared papers analyzing a range of laboratory issues.

Information from these and other sources has been reviewed and deliberated as part of the process that has led NIE to issue this grant information package. Persons interested in reviewing any or all of the available documents should contact Joseph Dominic, Educational Organizations and Institutions Staff, NIE, (202) 254-7180.



# **Federal Register**

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**Monday  
July 23, 1984**

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## **Part V**

### **Department of Education**

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**34 CFR Parts 706, 707, and 708  
Regional Educational Laboratories and  
Research and Development Centers  
Program; Final Regulations**



## DEPARTMENT OF EDUCATION

## 34 CFR Parts 706, 707, and 708

## Regional Educational Laboratories and Research and Development Centers Program

AGENCY: Department of Education.

ACTION: Final regulations.

**SUMMARY:** The Secretary issues final regulations for the Regional Educational Laboratories and Research and Development Centers Program. These regulations implement section 405 (e) and (f) of the General Education Provisions Act (GEPA), as amended. These final regulations are being issued so that the Department of Education may make laboratory and center awards for planning and institutional operations.

**EFFECTIVE DATE:** These regulations will take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments, with the exception of §§ 706.21, 706.22, 707.32, 708.31, and 708.32. These sections will become effective following the Education Department's submission and the Office of Management and Budget's (OMB's) approval of reporting requirements contained in those sections under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Donald R. Fischer, National Institute of Education, 1200 19th Street NW., Room 645-E, Washington, D.C. 20208. Telephone: (202) 254-7180.

**SUPPLEMENTARY INFORMATION:****Background**

The National Institute of Education (NIE) supports regional educational laboratories and research and development centers in accordance with section 405(f) of the General Education Provision Act (GEPA), as amended, 20 U.S.C. 1221 *et seq.* The current awards for the existing laboratories and centers, with the exception of the Educational Technology Center, are scheduled to expire during 1985. Through committee report language, the Congress has indicated its desire that NIE conduct open competitions for future laboratory and center awards. See the Conference Report accompanying the Omnibus Reconciliation Act of 1981, Pub. L. 97-35 (H.R. Rep. No. 208, 97th Cong., 1st Sess. at pp. 729-730 (1981)), and the Senate Report accompanying the Urgent Supplemental Appropriations Act of

1982, Pub. L. 97-216 (S. Rep. No. 402, 97th Cong., 2d Sess. at p. 58 (1982)).

Regional educational laboratories are intended to help improve education by identifying and helping to meet educational research and development needs in specified regions of the country and by promoting the use in the regions of research and development results from sources inside and outside the region. NIE currently sponsors seven laboratories.

Research and development centers provide national research leadership in educational problem areas that are of national importance. Center research is typically long-term and multi-disciplinary. NIE currently sponsors ten centers.

**Significant Differences Between the NPRM and These Final Regulations**

On March 26, 1984, the Secretary published in the Federal Register the Notice of Proposed Rulemaking (NPRM) for the Regional Educational Laboratories and Research and Development Centers Program (49 FR 11600). During the period allowed for public comments in response to the proposed regulations, comments and questions were received from 211 persons. In addition, 34 commenters submitted late comments.

The provisions of these final regulations are substantially the same as those of the NPRM. However, after careful consideration of the public comment on the proposed regulations, the Secretary has made some changes.

The addition of a priority on guidance and counseling and a priority on international education are the sole changes in § 706.12, which lists the priorities that the Secretary may select for particular laboratory or center competitions.

Section 707.11 describes the service regions of laboratories. The Preamble to the NPRM presented three proposed alternatives for laboratory regions. Following considerable public comment on these proposed alternatives, the Secretary selected the second proposed alternative with some adjustments. These adjustments are as follows: Including Puerto Rico and the Virgin Islands in region (1) rather than in region (4), including Ohio in region (5) rather than in region (3), including Louisiana in region (6) rather than in region (4), and adding the Northern Mariana Islands to region (10). Proposed § 707.11(c) has been modified to permit the Secretary, for each competition for a laboratory award, to select one or more regions to be served by the laboratory.

Sections 707.31 and 707.32 in the NPRM identified the points assigned to

selection criteria for laboratory planning awards and laboratory awards for institutional operations respectively. In both sections of the NPRM, all but 15 of the 100 possible points were assigned to specific criteria. In these final regulations, the Secretary has assigned 10 of the 15 points originally reserved in the proposed regulations. In § 707.31 the number of points assigned to the criterion on quality of key personnel has been increased from 10 to 20. In § 707.32 the number of points assigned to the criterion on plan of operation has been increased from 20 to 25, and the number of points assigned to the criterion on quality of key personnel has been increased from 15 to 20. The Secretary assigns the remaining 5 reserved points to the criterion on budget and cost effectiveness when a competition for grants is announced. When a competition for contracts is announced, the Secretary also announces how the 5 points will be assigned.

Proposed § 707.41 described five post-award requirements that grantees or contractors receiving a laboratory award for institutional operations must meet. In light of public comment and further consideration in the Department, the first post-award requirement (proposed § 707.41(a)), that the grantee or contractor be incorporated as a nonprofit organization, was removed. In addition, the second post-award requirement (proposed § 707.41(b)) has been changed to make the proposed governing board of a laboratory accountable to NIE for (a) insuring that the laboratory satisfies the terms and conditions of the award and (b) reflecting a balanced representation of States and constituencies in the region. Finally, in response to public comment, a post-award requirement has been added to the final regulations requiring the recipient of a laboratory award for institutional operations to collaborate with centers and other laboratories to carry out more effectively significant portions of the terms and conditions of the award.

Sections 708.31 and 708.32 of the NPRM identified points assigned to selection criteria for center planning awards and center awards for institutional operations, respectively. In both cases, all but 15 points were assigned to stated criteria. The same number of points has been reserved in both sections of the final regulations. However, in response to public comment, some changes have been made in the number of points assigned in specific criteria in the final regulations. In § 707.31 the number of points assigned to the criterion on

quality of key personnel has been increased from 10 to 15, and the number of points assigned to the criterion on institutional capacity has been decreased from 20 to 15. In § 708.32 the number of points for the criterion on quality of key personnel has been increased from 15 to 20, and the number of points for the criterion on institutional capacity has been decreased from 25 to 20.

Proposed § 708.41 described two post-award requirements that grantees and contractors receiving a center award for institutional operations must meet. In response to public comments, an additional post-award requirement has been added that requires the recipient of a center award for institutional operations to collaborate with laboratories and other centers to carry out more effectively significant portions of the terms and conditions of the award.

#### Comments and Responses

A summary of the major substantive comments received and the Secretary's responses to those comments can be found in the Appendix to these final regulations.

#### Paperwork Reduction Act of 1980

Information collection requirements contained in these regulations (§ 707.31) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned an OMB control number. This control number appears as a citation following the appropriate section. Information collection requirements contained in these regulations at §§ 706.21, 706.22, 707.32, 708.31, and 708.32 will become effective after the Education Department's submission and OMB's approval.

#### Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

#### Assessment of Educational Impact

In the Notice of Proposed Rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the comments on the proposed rules and the Department's own review, it has been determined that the regulations in this document do not

require information that is being gathered by or is available from any other agency or authority of the United States.

#### List of Subjects in 34 CFR Parts 706, 707, and 708

Colleges and universities, Education, Educational research, Grant programs—education, Local educational agencies, Nonprofit organizations, Reporting and recordkeeping requirements, State educational agencies.

#### Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Number 84.117, Educational Research and Development)

Dated: July 18, 1984.

T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding new Parts 706, 707, and 708:

1. The Secretary adds a new Part 706 to read as follows:

### PART 706—REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS PROGRAM: GENERAL PROVISIONS

#### Subpart A—General

Sec.

706.1 What is the Regional Educational Laboratories and Research and Development Centers Program?

706.2 What parties are eligible to apply for an award under this program?

706.3 What types of awards does the Secretary make under this program?

706.4 What regulations apply to this program?

706.5 What definitions apply to this program?

#### Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program?

706.11 For what purposes does the Secretary make an award under this program?

706.12 What priorities does the Secretary establish for this program?

#### Subpart C—How Does One Apply for an Award?

706.21 What assurances must an applicant or offeror make?

706.22 What information is needed for a multi-year project for institutional operations?

#### Subpart D—How Does the Secretary Make an Award?

706.31 How does the Secretary evaluate an application or a proposal?

706.32 What procedures and standards may the Secretary use to determine which

applications for grants for institutional operations will be selected for funding?

706.33 What additional standards may the Secretary use to select an application or a proposal for a planning award?

#### Subpart E—What Conditions Must Be Met by a Grantee or Contractor?

706.41 What requirements must be met by a grantee or contractor?

Authority: Sec. 405 (e) and (f) of the General Education Provisions Act, as amended (20 U.S.C. 1221e (e) and (f)).

#### Subpart A—General

##### § 706.1 What is the Regional Educational Laboratories and Research and Development Centers Program?

This program establishes regional educational laboratories and research and development centers to plan or conduct educational research and development, and related activities.

(20 U.S.C. 1221e (e) and (f))

##### § 706.2 What parties are eligible to apply for an award under this program?

(a) The Secretary may make awards for institutional operations to—

(1) Regional educational laboratories established by public agencies or private nonprofit organizations; and

(2) Research and development centers established by institutions of higher education or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development.

(20 U.S.C. 1221e(f))

(b) The Secretary may make awards for the planning of a laboratory or center to public or private organizations, institutions, agencies or individuals.

(20 U.S.C. 1221e(e))

##### § 706.3 What types of awards does the Secretary make under this program?

The Secretary may award grants and contracts under this program.

(20 U.S.C. 1221e (e) and (f); 3474; 31 U.S.C. 6305)

##### § 706.4 What regulations apply to this program?

(a) *Grants.* The following regulations apply to grants under this program:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), and Part 78 (Education Appeal Board).

(2) The regulations in this Part 706 and in 34 CFR Parts 707 and 708.

(b) *Contracts.* The following regulations apply to contracts under this program:

(1) Chapter 1 of Title 48 of the Code of Federal Regulations.

(2) The regulations in this Part 706 and in 34 CFR Parts 707 and 708.

(20 U.S.C. 1221e (e) and (f); 3474)

#### § 706.5 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR Part 77:

Applicant  
Application  
Award  
Contract  
Department  
EDGAR  
GEPA  
Grant  
Nonprofit  
Private  
Public  
Secretary  
State

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Center" means an educational research and development center funded under section 405(f) of GEPA.

"Educational research and development" means all research and related functions, including, but not limited to, basic and applied research, development, demonstration, dissemination, evaluation, policy studies, implementation, and technical assistance.

"Institute" means the National Institute of Education.

"Institution of higher education" means an institution of higher education as defined in section 1201 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141)

"Institutional operations" means the activities of a laboratory or center conducted under a long-term plan approved by the Institute.

"Laboratory" means a regional educational laboratory funded under this program.

"Mission" means the long-range goal or goals of a laboratory or center.

"Planning" means activities related to the planning of a laboratory or center.

(20 U.S.C. 1221e (e) and (f); 3474)

#### Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program?

##### § 706.11 For what purposes does the Secretary make an award under this program?

The Secretary makes awards under this program for the purpose of planning or institutional operations or both.

(20 U.S.C. 1221e (e) and (f))

##### § 706.12 What priorities does the Secretary establish for this program?

For each competition, the Secretary may select one or more funding priorities by choosing from the following individual priorities or combinations of these:

- (a) Learning.
- (b) Teaching.
- (c) Educational technology.
- (d) Instructional processes and materials, including textbooks and computer software for instruction.
- (e) Preparation and training of educational personnel.
- (f) Organization and management of schools, including effective school administration and leadership.
- (g) Evaluation and school indicators, including testing and measurement.
- (h) Governance of education, including school board policies and practices.
- (i) Educational finance.
- (j) Dissemination and knowledge utilization in education.
- (k) Change and improvement processes in education.
- (l) Student achievement and educational standards, including students' motivation to learn, their failure to learn, and their failure to attend school and graduate.
- (m) Home, family, and community influences in education.
- (n) Education, work, and careers.
- (o) Desegregation, busing, and their impact on educational equity and excellence.
- (p) Guidance and counseling.
- (q) International education.
- (r) English literacy, including reading, writing, and language skills.
- (s) Mathematics.
- (t) Science.
- (u) Foreign languages.
- (v) Preschool education.
- (w) Elementary education.
- (x) Secondary education.
- (y) Adolescent education.
- (z) Postsecondary education.
- (aa) Adult and continuing education.
- (bb) Education of special populations, including the educationally disadvantaged, the handicapped, and the academically gifted and talented.

Note—EDGAR establishes the methods for applying priorities. See 34 CFR 75.105 (annual priorities).

(20 U.S.C. 1221e (e) and (f); 3474)

#### Subpart C—How Does One Apply for an Award?

##### § 706.21 What assurances must an applicant or offeror make?

In its application or proposal, an applicant or offeror for an award for institutional operations shall make assurances that the laboratory or center involved will—

(a) Be responsible for the conduct of the research and development activities;

(b) Prepare a long-range plan relating to the conduct of such research and development activities;

(c) Insure that information developed as a result of such research and development activities, including new educational methods, practices, techniques, and products, be disseminated;

(d) Provide technical assistance to appropriate educational agencies and institutions; and

(e) To the extent practicable, provide training for individuals, emphasizing training opportunities for women and members of minority groups, in the use of new educational methods, practices, techniques, and products developed in connection with such activities.

(20 U.S.C. 1221e(f))

##### § 706.22 What information is needed for a multi-year project for institutional operations?

In addition to the information required in 34 CFR 75.117 and in 48 CFR Chapter 1, an application or proposal for a multi-year project for institutional operations must contain a mission statement for the proposed institution as a whole. The mission statement must describe goals and objectives and discuss how they relate to the specific activities described in the application or proposal.

(20 U.S.C. 1221e(f); 3474)

#### Subpart D—How does the Secretary Make an Award?

##### § 706.31 How does the Secretary evaluate an application or a proposal?

(a) For each competition the Secretary uses the applicable selection criteria in §§ 707.31, 707.32, 708.31, or 708.32 to evaluate applications and proposals for new awards under this program.

(b) The maximum score for all the criteria in each section is 100 points, including any reserved points to be distributed in accordance with paragraphs (d) and (e) of this section.

(c) Subject to paragraphs (d) and (e) of this section, the maximum possible score for each criterion is indicated in parentheses with the criterion.

(d) For any competition for laboratory awards, the Secretary distributes 5 points as follows:

(1) In the case of competitions for laboratory grants, the Secretary assigns the 5 points to the criterion on budget and cost effectiveness in the applicable section (§§ 707.31 and 707.32).

(2) In the case of competitions for laboratory contracts, the Secretary assigns the 5 points to one or more of the criteria described in the applicable section (§§ 707.31 and 707.32).

(e) In the case of competitions for center awards, the Secretary assigns 15 points to one or more of the criteria described in the applicable section (§§ 708.31 and 708.32).

(f) The Secretary announces how reserved points are assigned, in the case of a competition for grants, in a notice published in the *Federal Register*, or, in the case of a competition for contracts, in a request for proposals published in the *Commerce Business Daily*.

(20 U.S.C. 1221e (e) and (f); 3474)

**§ 706.32 What procedures and standards may the Secretary use to determine which applications for grants for institutional operations will be selected for funding?**

(a) To determine which applications will be selected for funding for grants for institutional operations, the Secretary may use the following procedures:

(1) After following the procedures in 34 CFR 75.216 and 75.217 (a) through (c), the Secretary uses the standards in 34 CFR 75.217(d) to select applications for further consideration. The Secretary returns an application not selected to the applicant with an explanation of why that application was not selected for further consideration.

(2) The Secretary may conduct site visits to all of the applicants selected for further consideration. The Secretary conducts these site visits to obtain further information on both the activities described in the applications and the capability of the applicants to perform the work.

(3)(i) After site visits are completed, the Secretary conducts written or oral discussions on the work to be performed, the cost of the work, and other relevant topics with all applicants selected for further consideration.

(ii) The Secretary discusses with each applicant the ambiguities, uncertainties, or deficiencies, if any, in its application. The Secretary gives each applicant a reasonable opportunity to support, clarify, correct, improve, or otherwise

revise its application. In discussions with an applicant, the Secretary does not identify areas in which another applicant has apparently received a higher evaluation, or otherwise provide information which could give the applicant a competitive advantage over other applicants. The Secretary may require more than one round of discussions with all the applicants. In deciding on the type, duration, and extent of the discussions, the Secretary considers the time available, the expense and administrative limitations, and the size and significance of the grants to be awarded.

(iii) The Secretary advises each applicant that—

(A) Discussions are being conducted;

(B) Applicants are required to submit a final application; and

(C) The final application, including any revisions, must be submitted by a deadline that applies to all of the applicants.

(4) The Secretary may, in accordance with the procedures in 34 CFR 75.217 (a) through (c), conduct a review of all final applications submitted under paragraph (a)(3) of this section.

(b) In making grants under this section, the Secretary may consider the relationship between the technical merit of an application and its cost in comparison to other applications.

(20 U.S.C. 1221e(f); 3474)

**§ 706.33 What additional standards may the Secretary use to select an application or a proposal for a planning award?**

(a) *Grants.* In making grants for planning, the Secretary may consider—

(1) The relationship between the technical merit of an application and its cost in comparison to other applications; and

(2) The extent to which funding an application would contribute to a collection of laboratory and center planning awards that is both diverse and balanced and that addresses the most significant problems of American education.

(b) *Contracts.* In awarding contracts for planning, the Secretary may consider the extent to which a proposal contributes to a collection of laboratory and center planning awards that is diverse and balanced and that addresses the most significant problems of American education.

(20 U.S.C. 1221e(e); 3474)

## Subpart E—What Conditions Must Be Met by a Grantee or Contractor?

**§ 706.41 What requirements must be met by a grantee or contractor?**

A grantee or contractor receiving a laboratory award for institutional operations shall meet the post-award requirements described in § 707.41; a grantee or contractor receiving a center award for institutional operations shall meet the post-award requirements described in § 708.41.

(20 U.S.C. 1221e(f); 3474)

2. The Secretary adds a new Part 707 to read as follows:

## Part 707—REGIONAL EDUCATIONAL LABORATORIES

### Subpart A—General

Sec.

707.1 What regulations apply to this program?

**Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program?**

707.11 What geographic regions do the laboratories serve?

**Subpart C—How Does One Apply for an Award? [Reserved]**

**Subpart D—How Does the Secretary Make an Award?**

707.31 What are the selection criteria for laboratory awards for planning?

707.32 What are the selection criteria for laboratory awards for institutional operations?

**Subpart E—What Conditions Must Be Met by a Grantee or Contractor?**

707.41 What requirements must be met by a grantee or contractor?

Authority: Sec. 405 (e) and (f) of the General Education Provisions Act, as amended (20 U.S.C. 1221e (e) and (f)).

### Subpart A—General

**§ 707.1 What regulations apply to this program?**

The regulations in this part and the regulations in 34 CFR Part 706 apply to awards for regional educational laboratories.

(20 U.S.C. 3474)

**Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program?**

**§ 707.11 What geographic regions do the laboratories serve?**

(a) The laboratories established under this program serve the following geographic regions:

(1) Connecticut, Maine, Massachusetts, New Hampshire, New

York, Puerto Rico, Rhode Island, Vermont, Virgin Islands.

(2) Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania.

(3) Kentucky, Tennessee, Virginia, West Virginia.

(4) Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina.

(5) Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin.

(6) Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

(7) Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming.

(8) Arizona, California, Nevada, Utah.

(9) Alaska, Idaho, Montana, Oregon, Washington.

(10) American Samoa, Guam, Hawaii, Northern Mariana Islands, Trust Territory of the Pacific Islands.

(b) For each competition for a laboratory award, the Secretary announces which one or more of the geographic regions designated in § 707.11(a) will be served.

(c) In the event that funding of a particular laboratory under this program is discontinued, the Secretary may arrange for the continuation of laboratory services to all States.

(20 U.S.C. 1221e(e) and (f); 3474)

#### Subpart C—How Does One Apply for an Award? [Reserved]

#### Subpart D—How Does the Secretary Make an Award?

##### § 707.31 What are the selection criteria for laboratory awards for planning?

The Secretary uses the following criteria to evaluate applications and proposals for laboratory awards for planning:

(a) *Understanding of the educational settings and issues in the region.* (25 points)

(1) The Secretary reviews each application or proposal for information that shows the extent to which the applicant or offeror understands the educational settings and issues in the region.

(2) The Secretary looks for information that shows—

(i) Knowledge of the strengths and needs of the educational systems—public and private, elementary, secondary, and postsecondary—in the region;

(ii) An understanding of significant trends expected to influence education in the region over the next half decade;

(iii) Knowledge of the capabilities of existing organizations that provide research, dissemination, training, and assistance to educational agencies in the

region and how a laboratory can complement their work; and

(iv) An understanding of the barriers and challenges facing a laboratory in the region and ways of overcoming them.

(b) *Organizational ability to conduct planning and design tasks.* (20 points)

(1) The Secretary reviews each application or proposal for information that shows the organizational ability of the applicant or offeror to conduct the required planning and design tasks.

(2) The Secretary looks for information that shows—

(i) Successful experience in planning or conducting multi-State activities related to educational research and development; and

(ii) Existing relationships in the region giving the applicant or offeror access to important regional groups of clients and contributing to cooperative planning activities.

(c) *Plan of operation.* (20 points)

(1) The Secretary reviews each application or proposal for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant or offeror plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant or offeror will address the problems of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(d) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application or proposal for information that shows the qualifications of the key personnel the applicant or offeror plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant or offeror, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant or offeror provides.

(e) *Budget and cost effectiveness.* (0 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(3) In a grant competition, this criterion is assigned at least 5 points.

(f) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application or proposal for information that shows the quality of the evaluation plan for the project.

**Cross-Reference.** See EDGAR, § 75.590 Evaluation by the grantee.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application or proposal for information that shows that the applicant or offeror plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant or offeror plans to use are adequate; and

(ii) The equipment and supplies that the applicant or offeror plans to use are adequate.

(20 U.S.C. 1221e (e) and (f); 3474)

(Approved by the Office of Management and Budget under control number 1850-0549)

**§ 707.32 What are the selection criteria for laboratory awards for institutional operations?**

The Secretary uses the following criteria to evaluate applications and proposals for laboratory awards for institutional operations:

**(a) Understanding of and responsiveness to regional needs. (10 points)**

(1) The Secretary reviews each application or proposal for information that shows the applicant's or offeror's understanding of and responsiveness to the needs of the region.

(2) The Secretary looks for information that shows—

(i) An understanding of current and projected educational conditions and needs in the region;

(ii) Adequate mechanisms and procedures for assessing the educational research and development needs and capabilities of the region and for determining laboratory priorities; and

(iii) An analysis of strategic options and a plan for responding to regional needs.

(b) *Strength of relationships with the region. (15 points)*

(1) The Secretary reviews each application or proposal for information that shows the strength of the applicant's or offeror's relationships with the region to be served.

(2) The Secretary looks for information that shows—

(i) Plans for a governing board whose composition reflects regional interests and constituencies;

(ii) Plans for a governing board designed to take an active role in setting policy;

(iii) Plans for a governance structure that provides the organizational autonomy necessary for neutrality, balance, and equity in the selection of clients and the delivery of services;

(iv) The quality, extent, and feasibility of proposed collaborative relationships with appropriate organizations, such as—

(A) Public education agencies at State, intermediate, and local levels;

(B) Educational research and development agencies;

(C) Organizations providing assistance in the use of research outcomes;

(D) Clearinghouses;

(E) Professional associations;

(F) Institutions of higher education;

(G) Community-based organizations;

(H) Business and industry; and

(v) Successful prior work and commitments for future work with such organizations.

(c) *Institutional capacity. (15 points)*

(1) The Secretary reviews each application or proposal for information that shows the qualifications of the applicant or offeror to sustain a long-term, high-quality, and coherent program of research and services.

(2) The Secretary looks for information that shows—

(i) Adequate organizational mechanisms and procedures for managing work internally and in collaboration with other institutions;

(ii) Adequate procedures for quality control and self-evaluation; and

(iii) Adequate plans for effecting improvement in organizational performance and staff development during the project period.

(d) *Plan of operation. (25 points)*

(1) The Secretary reviews each application or proposal for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant or offeror plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant or offeror will address the problems of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly;

(vi) A logical relationship between proposed activities and statements of regional needs and priorities;

(vii) Coherence of work within and among program activities;

(viii) The extent to which the proposed activities complement related efforts inside and outside the region;

(ix) The anticipated contribution of the work to educational improvement; and

(x) Appropriate provisions for sequencing and pacing work activities.

(e) *Quality of key personnel. (20 points)*

(1) The Secretary reviews each application or proposal for information that shows the qualifications of the key personnel the applicant or offeror plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant or offeror, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant or offeror provides.

(f) *Budget and cost effectiveness. (0 points)*

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(3) In a grant competition, this criterion is assigned at least 5 points.

(g) *Evaluation plan. (5 points)*

(1) The Secretary reviews each application or proposal for information that shows the quality of the evaluation plan for the project.

**Cross-Reference.** See EDGAR, § 75.590 Evaluation by the grantee.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(h) *Adequacy of resources. (5 points)*

(1) The Secretary reviews each application or proposal for information that shows that the applicant or offeror plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant or offeror plans to use are adequate; and

(ii) The equipment and supplies that the applicant or offeror plans to use are adequate.

(20 U.S.C. 1221e (e) and (f); 3474)

#### **Subpart E—What Conditions Must Be Met by a Grantee or Contractor?**

##### **§ 707.41 What requirements must be met by a grantee or contractor?**

A grantee or contractor receiving a laboratory grant or contract for institutional operations shall meet the following post-award requirements. The grantee or contractor shall—

(a) Establish a governing board that—

(1) Is accountable to NIE for insuring that the laboratory satisfies the terms and conditions of the award; and

(2) Reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies.

(b) Facilitate communication among educational agencies and individuals in the region;

(c) Identify concerns and priorities through regionally representative governing and advisory structures and activities that help regional clients define their needs;

(d) Conduct applied research, development, and related activities to address regional needs;

(e) Promote the use in the region of research and development results from all sources inside and outside the region, including the laboratory; and

(f) Collaborate with centers and other laboratories in order to carry out more effectively significant portions of the terms and conditions of the award.

(20 U.S.C. 1221e(f))

3. The Secretary adds a new Part 708 to read as follows:

#### **PART 708—RESEARCH AND DEVELOPMENT CENTERS**

##### **Subpart A—General**

Sec.

708.1 What regulations apply to this program?

**Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program? [Reserved]**

**Subpart C—How Does One Apply for an Award? [Reserved]**

**Subpart D—How Does the Secretary Make an Award?**

708.31 What are the selection criteria for center awards for planning?

708.32 What are the selection criteria for center awards for institutional operations?

#### **Subpart E—What Conditions Must Be Met by a Grantee or Contractor?**

708.41 What requirements must be met by a grantee or contractor? \*

Authority: Sec. 405 (e) and (f) of the General Education Provisions Act, as amended (20 U.S.C. 1221e (e) and (f)).

##### **Subpart A—General**

##### **§ 708.1 What regulations apply to this program?**

The regulations in this part and the regulations in 34 CFR Part 706 apply to awards for research and development centers.

(20 U.S.C. 3474)

#### **Subpart B—What Kinds of Activities Does the Secretary Fund Under This Program? [Reserved]**

#### **Subpart C—How Does One Apply for an Award? [Reserved]**

#### **Subpart D—How Does the Secretary Make an Award?**

##### **§ 708.31 What are the selection criteria for center awards for planning?**

The Secretary uses the following criteria to evaluate applications and proposals for center awards for planning:

(a) *Mission and strategy.* (25 points)

(1) The Secretary reviews each application or proposal for information that shows the extent to which the applicant or offeror understands the state of knowledge and practice with respect to the problem area and priorities of the center for which the applicant is applying or the offeror is proposing.

(2) The Secretary looks for information that shows—

(i) Understanding of the mission of the proposed center;

(ii) Knowledge of relevant research and theory;

(iii) Knowledge of relevant problems in educational practice;

(iv) Familiarity with relevant strategies of research, development and dissemination; and

(v) Familiarity with strategies for relating to other organizations in educational research, development, and practice.

(b) *Institutional capacity.* (15 points)

(1) The Secretary reviews each application or proposal for information that shows the qualifications of the applicant or offeror to sustain a long-term, high-quality, and coherent program of research, development, and dissemination.

(2) The Secretary looks for information that shows—

(i) Strong support from the applicant or offeror, demonstrating the existence of appropriate organizational structures and a commitment to provide the services of appropriate faculty or staff members from the applicant's or offeror's organization;

(ii) Inclusion of an appropriate mixture of scholarly and practitioner backgrounds in the project staff of the applicant or offeror; and

(iii) The past successes of the applicant or offeror in collaborating with other individuals and organizations to conduct educational research and development.

(c) *Plan of operation.* (20 points)

(1) The Secretary reviews each application or proposal for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant or offeror plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant or offeror will address the problems of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(d) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application or proposal for information that shows the qualifications of the key personnel the applicant or offeror plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant or offeror, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been



traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant or offeror provides.

(e) *Budget and cost effectiveness.* (0 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

- (i) The budget for the project is adequate to support the project activities; and
- (ii) Costs are reasonable in relation to the objectives of the project.

(3) In a grant competition, this criterion is assigned at least 5 points.

(f) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application or proposal for information that shows the quality of the evaluation plan for the project.

**Cross-Reference.** See EDGAR, § 75.590 Evaluation by the grantee.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application or proposal for information that shows that the applicant or offeror plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

- (i) The facilities that the applicant or offeror plans to use are adequate; and
- (ii) The equipment and supplies that the applicant or offeror plans to use are adequate.

(20 U.S.C. 1221e (e) and (f); 3474)

#### § 708.32 What are the selection criteria for center awards for institutional operations?

The Secretary uses the following criteria to evaluate applications and proposals for center awards for institutional operations:

(a) *Mission and strategy.* (15 points)

(1) The Secretary reviews each application or proposal for information that shows the extent to which the applicant or offeror understands the

state of knowledge and practice in the problem area of the center's mission.

(2) The Secretary looks for information that shows—

- (i) Understanding of the mission of the proposed center;
- (ii) A program of work that will contribute to the development of relevant theory;

(iii) Potential of the proposed project to advance practice in significant ways;

(iv) The applicant's or offeror's awareness of the problems of special populations with respect to the mission of the proposed center;

(v) A selection of strategies of research, development, and dissemination that are likely to be effective;

(vi) Establishment of effective working relations with other organizations in educational research, development, and practice; and

(vii) Promising long-range plans for developing an appropriate and coherent program of educational research, development, and dissemination.

(b) *Institutional capacity.* (20 points)

(1) The Secretary reviews each application or proposal for information that shows the qualifications of the applicant or offeror to sustain a long-term, high-quality, and coherent program of research, development, and dissemination.

(2) The Secretary looks for information that shows—

- (i) Strong support from the applicant or offeror, demonstrating the existence of appropriate organizational structures and a commitment to provide the services of appropriate faculty or staff members from the applicant's or offeror's organization;

(ii) Inclusion of an appropriate mixture of scholarly and practitioner backgrounds in the project staff of the applicant or offeror;

(iii) The past successes of the applicant or offeror in collaborating with other individuals and organizations to conduct educational research and development.

(iv) Structure and governance arrangements likely to provide appropriate direction, quality control, and cost-effective management; and

(v) Plans for effecting improvement in organizational performance and staff development during the period of award.

(c) *Plan of operation.* (20 points)

(1) The Secretary reviews each application or proposal for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

- (i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) a clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant or offeror plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant or offeror will address the problems of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(d) *Quality of key personnel.* (20 points)

(1) The Secretary review each application or proposal for information that shows the qualifications of the key personnel the applicant or offeror plans to use on the project.

(2) The Secretary looks for information that shows—

- (i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant or offeror, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant or offeror provides.

(e) *Budget and cost effectiveness.* (0 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

- (i) The budget for the project is adequate to support the project activities; and



(ii) Costs are reasonable in relation to the objectives of the project.

(3) In a grant competition, this criterion is assigned at least 5 points.

(f) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application or proposal for information that shows the quality of the evaluation plan for the project.

**Cross-Reference.** See EDGAR, § 75.590 Evaluation by the grantee.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application or proposal for information that shows that the applicant or offeror plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant or offeror plans to use are adequate; and

(ii) The equipment and supplies that the applicant or offeror plans to use are adequate.

(20 U.S.C. 1221e (e) and (f); 3474)

#### **Subpart E—What Conditions Must Be Met by a Grantee or Contractor?**

##### **§ 708.41 What requirements must be met by a grantee or contractor?**

A grantee or contractor receiving a center grant or contract for institutional operations shall meet the following post-award requirements. The grantee or contractor shall—

(a) Provide national research leadership with respect to the mission of its center;

(b) Establish and maintain a nationally representative advisory panel; and

(c) Collaborate with laboratories and other centers in order to carry out more effectively significant portions of the terms and conditions of the award.

(20 U.S.C. 1221e(f))

#### **Appendix—Summary of Comments and Responses**

**Editorial Note.**—The following appendix will not appear in the Code of Federal Regulations.

The following is a summary of the public comments received on the proposed regulations published in the Federal Register on March 28, 1984 (49 FR 11600), and the Secretary's responses to those comments including any changes. The comments, responses, and changes are organized in the same order

as the referenced sections in these final regulations.

##### **Section 706.2 What parties are eligible to apply for an award under this program?**

**Comment.** Several commenters suggested changing the eligibility requirements for applying for an award. One suggested making small organizations, especially small businesses, eligible. Another suggested that applicants or offerors should be required to consult with State educational agencies in order to be eligible. Still another commenter asked specifically whether a center, which has historically received an award from NIE under this program, would continue to be eligible under § 706.2(a)(1). The particular center was originally a subsidiary body of an interstate agency which was established by compact. The interstate agency, of which the center is no longer a part, established and operated this subsidiary body in order to conduct postsecondary research and development.

**Response.** No change has been made. Section 405(f) of the General Education Provisions Act (GEPA) establishes the kinds of organizations eligible for laboratory and center awards for institutional operations. These final regulations have incorporated only the eligibility provisions of GEPA and do not broaden or narrow those provisions. With respect to the continuing eligibility of a laboratory or center that currently receives funding under this program, such institutions must continue to meet all statutory and regulatory requirements if they are to continue to be eligible for awards.

With respect to the specific center described above, this center was established in accordance with the provisions of section 405(f) of GEPA and § 706.2(a)(2) of the final regulations, and consistent with the legislative history of section 405(f), it has continued to be eligible to receive funding pursuant to section 405(f).

##### **Section 706.3 What types of awards does the Secretary make under this program?**

**Comment.** Several commenters suggested that a grant is more appropriate for center awards and a contract more appropriate for laboratory awards, and that the final regulations should indicate specifically in which competitions each award instrument will be used.

**Response.** No change has been made. In the past, laboratories have received grants at some times and contracts at others. Centers have traditionally

received grants, but in exceptional circumstances a contract has been used. The purposes of the competition for a specific laboratory or center may dictate that one kind of funding instrument be used rather than another. The general purposes determining the selection of an award instrument are described in the Federal Grants and Cooperative Agreements Act of 1977, 41 U.S.C. 501 *et seq.* In order to insure that the specific activities of a laboratory or center are guided by the most appropriate funding instrument, this provision has been retained. The choice of funding instrument to be used is identified either in a notice published in the Federal Register, in the case of grants, or in a request for proposals (RFP) published in Commerce Business Daily, in the case of contracts.

##### **Section 706.5 What definitions apply to this program?**

**Comment.** A commenter asked why a definition of "institution of higher education" was used that is different than the definition used in the Higher Education Act.

**Response.** A change has been made. The definition of "institution of higher education" in § 706.5 has been changed to make it consistent with the definition in section 1201 of the Higher Education Act of 1965, as amended. This will insure a consistent use of terminology in Department programs.

**Comment.** One commenter suggested that the definition of "planning" is self-explanatory and should be deleted.

**Response.** No change has been made. While the function of planning may be self-explanatory, the term "planning" is defined in these regulations to indicate that, with respect to a planning award made under these regulations, planning must relate to a specific laboratory or center.

##### **Section 706.11 For what purposes does the Secretary make an award under this program?**

**Comment.** One commenter asked whether receiving a planning award is a prerequisite for receiving an award for institutional operations. Another commenter suggested that all competitors should be required to submit a planning proposal and that only recipients of planning awards be allowed to compete in a competition for laboratory awards for institutional operations.

**Response.** No change has been made. An applicant or offeror is not required to apply for or receive a planning award as a prerequisite for applying for an award for institutional operations.

Competitions for planning awards and awards for institutional operations are separate, have different eligibility requirements as described in § 706.2, and have different purposes. The purpose of making planning awards is not, as suggested by one commenter, to provide an elimination round, which could be conducted under § 706.32(a), in competitions for awards for institutional operations. On the contrary, the purpose of planning grants is to assist recipients with the planning which must necessarily precede the submission of applications or proposals for awards for institutional operations. Because not all applicants for awards for operations would need such assistance, requiring them to compete would create an unnecessary burden, as well as limit the amount of planning assistance available to others. Furthermore, the purpose of planning contracts is to procure for NIE information needed to conduct competitions for awards for institutional operations. This purpose would not be served by permitting only recipients of planning contracts to apply for institutional awards.

*Comment.* A commenter suggested that procedures describing the transition between laboratory planning activities and operational activities sponsored by NIE should be included under Subpart E of Part 707.

*Response.* No change has been made. If needed, a discussion of the transition between planning activities and operational activities will be included in the information package describing each competition.

**Section 706.12 What priorities does the Secretary establish for this program?**

Several commenters registered their support for selected priorities in proposed § 706.12 (a) through (z), while others voiced their opposition. In addition, several commenters suggested that priorities be modified or added to the list. Commenters expressed some general concerns about priorities as well as specific recommendations regarding their use for laboratory and center awards. These various comments may be summarized as follows.

*Comment.* With regard to the use of priorities for center awards, several commenters endorsed proposed priorities (e) (preparation and training of educational personnel), (g) (evaluation and school indicators), (l) (student achievement and educational standards), (p) (literacy), (q) (mathematics), (r) (science), (s) (foreign languages), and (z) (education of special populations).

Several commenters voiced their opposition to proposed priorities (d)

(instructional processes and materials), (g) (evaluation and school indicators), (i) (school finance), (j) (dissemination and knowledge utilization), (k) (change and improvement processes in education), and (w) (adolescent education). In general, these priorities were opposed either because they were considered to be of lesser importance or because they were seen as inappropriate for Federal funding or involvement.

Several commenters recommended that modifications of certain proposed priorities be made. These modifications included adding Hispanics, students speaking English as a second language, minorities and females to (z) (education of special populations), and adding library services to (j) (dissemination and knowledge utilization). Some of these recommended modifications involved combining proposed or recommended priorities, such as education of the adult mentally handicapped; the general learning needs of Afro-Americans; and postsecondary education in relation to teaching, computer literacy, or remedial education.

Several commenters recommended additions to the list of proposed priorities. These included guidance and counseling; discipline; educational efficiency and productivity; international education; history, social studies, and social science education; arts education; physical and mental health education; rural education, urban education, and suburban education; economic literacy; health education; private enterprise in education; local educational agency-university collaboration; and medicine and medical education.

*Response.* A change has been made. Two priorities have been added. Guidance and counseling is a new priority (p), and international education, which is described in NIE's authorizing legislation, is a new priority (q), and the priorities following in sequence have been renumbered accordingly (from (r) through (bb)). Other suggested additions have not been made because they are implied under already proposed priorities (discipline under (f), (l), and (m); educational efficiency and productivity under (c), (f), and (k); private enterprise in education under (n)); because they are more appropriately sponsored by other units of the Department or other agencies of the Federal Government (history, social studies, and social sciences; arts education; physical and mental health education; economic literacy; health education; medicine and medical education); or because they are not deemed to be as significant as proposed priorities (local educational agency-

university collaboration; rural education, urban education, and suburban education).

Proposed priorities which were opposed by several commenters have been retained in the final regulations because each represents a significant need and plays a crucial role in current and future efforts to attain the highest level of excellence in American education and contribute to the well-being of the Nation both domestically and internationally.

No modifications of priorities listed in the proposed regulations have been made. The priority on the education of special populations implicitly includes Hispanics, females, Afro-Americans, and other unnamed groups that are educationally disadvantaged. Priority (j) implicitly includes library services as well as other forms of dissemination and knowledge utilization.

*Comment.* With regard to the use of priorities for laboratory awards, commenters differed in their concerns. Several commenters questioned the use of priorities for laboratory awards, noting that laboratories should address regionally defined needs, not national ones. Other commenters were opposed to the Federal Government's selecting priorities for State and local communities and expressed particular alarm over Federal priorities touching on curriculum and software development, educational technology, change and improvement processes, and adolescent education. For most of these respondents, academic subject areas, student achievement, and educational standards were more acceptable priorities.

*Response.* No change has been made. For the reasons stated in the previous response to comments on priorities to be used for center activities, the Secretary has made only two changes in § 706.12, adding as priorities (p) guidance and counseling and (q) international education. In the case of competitions for laboratory awards, the great majority of activities described in an application or proposal will constitute a response to regionally defined needs. The Secretary may also encourage or require an applicant or offeror to describe in its application or proposal specific activities based on one or more priorities or combinations of priorities of national significance. However, the Secretary intends to encourage, rather than require, laboratories to conduct a very small number of activities related to specific priorities of this kind, and announces those priorities in a notice published in the Federal Register or in a

request for proposals published in the *Commerce Business Daily*.

**Section 706.21** *What assurances must an applicant or offeror make?*

**Comment.** Several commenters suggested adding to or modifying the stated assurances. Several commenters called for a stronger dissemination responsibility for centers. One commenter questioned whether a change in assurance (e) was meant to extend the requirement that training be provided for women and minorities beyond the required training described in section 405(f) of CEPA. Another commenter suggested that such training should also include training in general research and development techniques, not just in new procedures.

**Response.** A change has been made. All assurances in § 706.21 have been phrased exactly as they are stated in section 405(f) of CEPA and in no way limit or go beyond the provisions of the law. The Secretary did not intend to make training for women and minorities a universal requirement by deleting the introductory words of this assurance as stated in the law, i.e., "... to extent practicable, ..."

**Section 706.31** *How does the Secretary evaluate an application or a proposal?*

**Comment.** Several commenters suggested that the Secretary reconsider the use of reserved points for evaluation criteria.

**Response.** A change has been made. In the case of laboratory awards for planning and institutional operations, the Secretary reserves 5, rather than the proposed 15, points in these final regulations.

In the case of center awards for planning and institutional operations, however, no change has been made: the Secretary reserves 15 points as originally proposed. With respect to certain priorities, a long and fruitful tradition of research, development, and disciplined inquiry has yielded many notable improvements in American education, and a significant number of institutions and organizations have contributed to those improvements. With respect to other priorities, often of more recent appearance as areas of study, relatively little research and development have been conducted, and few organizations may exist with the capacity to conduct it. Therefore, in order to allow for this variation, the Secretary reserves 15 points in order to achieve an appropriate balance of points for the evaluation of applications and proposals for specific center awards.

**Section 706.32** *What procedures and standards may the Secretary use to determine which applications for grants for institutional operations will be selected for funding?*

**Comment.** A commenter asked why this section refers only to grants.

**Response.** No change has been made. Section 706.32 supplements the Department's grant regulations as codified in § 75.217 of the Education Department General Administrative Regulations (EDGAR). In the case of contracts, the same procedures and standards described for grants in this section may be used in competitions for contracts under the provisions of the Federal Acquisition Regulation (FAR), 48 CFR Chapter 1, without adding supplementary provisions to these program regulations.

**Comment.** Several commenters suggested that the regulations should describe the eligibility requirements for selecting peer reviewers, the exact number of reviewers to be used for site visits, and the method of appointment.

**Response.** No change has been made. Section 75.217 of EDGAR establishes how reviewers are selected and used.

**Comment.** Several commenters recommended that a minimum of five reviewers be used to evaluate applications and proposals, and some of these commenters suggested that no Federal employees be used as reviewers.

**Response.** No change has been made. Section 75.217 of EDGAR requires a minimum of three reviewers, but does not place an upper limit on the number. EDGAR procedures are used throughout the Department to insure a fair and appropriate representation of Federal and non-Federal employees serving on the panel of experts. Although the Secretary has placed a major emphasis on the use of peer review in the evaluation of laboratory and center applications and proposals, the Secretary may assign non-Federal peer reviewers to the panel of experts and increase to five or more the number of reviewers on the panel when the Secretary deems it appropriate.

**Comment.** A commenter suggested that § 706.32 should describe both the procedures for dealing with disputes stemming from award decisions and details on how reviewers perform their work as a panel of experts.

**Response.** No change has been made. Under EDGAR, applicants have no rights of appeal following a denial of discretionary grant assistance; FAR discusses the rights of protest available to offerors seeking a contract. Section 75.217 of EDGAR describes the role of

reviewers who are members of a panel of experts.

**Comment.** A commenter suggested that an additional standard be added that takes into account the ability of an applicant to attract funds from sources other than the Department of Education.

**Response.** No change has been made. Section 706.33(a)(1) of the final regulations permits the Secretary to consider the relationship between the technical merit of an application and its cost in comparison to other applications.

**Comment.** Several commenters asked that specific funding amounts and information on how they are determined be included in the regulations, in addition to the procedures and standards used to select applications or proposals for funding.

**Response.** No change has been made. Information on the amount of funding available is provided in both the application notice and the information package when a competition is announced.

**Comment.** Several commenters suggested that site visits be required rather than permitted as a procedure in the evaluation of applications or proposals for awards for institutional operations.

**Response.** No change has been made. Budgetary constraints and other unforeseen circumstances may render site visits difficult, if not impossible, to conduct on every occasion. However, § 706.32(a)(2) permits the Secretary to conduct site visits if the Secretary so chooses.

**Comment.** One commenter suggested that, in reference to the review of final applications described in § 706.32(a)(4), the phrase stating that the Secretary "may . . . conduct a review" be changed to read that the Secretary "shall . . . conduct a review."

**Response.** A change has been made. "May . . . conduct" has been changed to "conducts" to indicate that where final applications are submitted, a review will be conducted in accordance with the described procedures.

**Comment.** Several commenters asked why the Secretary, rather than NIE, will make awards.

**Response.** No change has been made. The term "Secretary" is defined in § 77.1 of EDGAR to include not only the Secretary but also "an official or employee of the Department acting for the Secretary under a delegation of authority." Because the Secretary has delegated the authority to make laboratory and center awards to the Director of NIE, the term "Secretary" as used in § 706.32 includes both the

Secretary, who has residual authority, and the Director of NIE.

**Section 706.33** *What additional standards may the Secretary use to select an application or proposal for a planning award?*

**Comment.** Several commenters asked the rationale for § 706.33(a)(2), which permits the Secretary to consider, in making planning awards, the extent to which funding a particular application would contribute to a collection of awards that is diverse and balanced and that addresses the most significant problems of American education.

**Response.** No change has been made. This standard allows the Secretary to select awardees in such a way that no single planning approach, strategy, or philosophy predominates among the applications or proposals that are selected for an award, so that diversity and balance are achieved.

**General Comments Related to Part 706**

**Comment.** Several commenters expressed concern that the rights of students and their parents with regard to students as the subjects of research and testing be protected in the laboratory and center activities funded by NIE.

**Response.** No change has been made. Section 75.081 (protection of human research subjects) of EDGAR protects these rights.

**Comment.** One commenter suggested that two phases of competition for laboratory and center awards for institutional operations should be held. In the first phase, competitions would be held to select grantees or contractors for awards for institutional operations. In the second phase, competitions would be held on priority topics selected by the Secretary to achieve a balanced and diverse array of work and would be limited to grantees or contractors receiving funds under a laboratory or center award for institutional operations.

**Response.** No change has been made. Given current educational needs in the Nation and the immediate necessity to hold competitions to plan for and operate laboratories and centers, the Secretary does not make any provision in these final regulations at this time for holding targeted competitions limited to grantees or contractors receiving funds under a laboratory or center award for institutional operations.

**Comment.** One commenter stated that when Congress requested NIE to hold competitions for future laboratory awards, Congress did not intend for existing laboratories to compete against each other. The commenter notes that

such competition would occur in the West, where two laboratories currently serve California and Nevada.

**Response.** No change has been made. Congress has not indicated to NIE that competitions should be structured so as to insure that no existing laboratory would be competing for a future laboratory award without competing against another existing laboratory. Indeed, no provision in these final regulations prevents any eligible party from competing for a laboratory award in any one or more designated regions.

**Comment.** Several commenters suggested that the use of the term "project" in referring to laboratory or center awards in the proposed regulations is misleading, that these institutions are considerably more than a project.

**Response.** Although the Secretary considers awards for institutional operations to be institutional in nature, EDGAR uses the term "project" to refer to a single award made by the Department, and this term has been retained in these regulations to insure the use of consistent terminology across Departmental programs. The Secretary intends each laboratory and center to conduct a variety of activities, each of which may be part of one or more larger programs. The use of the term "project" in no way diminishes the importance and magnitude of the several significant activities of these institutional projects.

**Comment.** One commenter suggested that the Secretary's certification in the proposed regulations that those regulations will not have a significant economic impact on a substantial number of small entities is not valid. The commenter asserts that these regulations will have a substantial economic impact on each of the 16,000 school districts in the Nation as well as on the limited number of small entities that may participate in the program.

**Response.** No change has been made. The commenter presents no evidence or justification for the assertion that these regulations will produce a significant economic impact both on all school districts and on participants in the program. Further, although part of the impact of these regulations may be educational improvement in school districts, the Secretary does not view these regulations as having a significant economic impact on school districts.

**Section 707.11** *What geographic regions do the laboratories serve?*

**Comment.** A commenter suggested keeping the laboratory regions currently being served by incumbent laboratories. Several commenters favored the first proposed alternative for laboratory

regions as described in the proposed regulations, several favored the second, and several favored the third. Others requested that various States be included in one region rather than in another.

**Response.** A change has been made. The Secretary has selected the second proposed alternative for laboratory regions, as described in the Preamble to the NPRM, with some adjustments, because this alternative offers the greatest prospects for the successful collaboration of States seeking educational excellence. These adjustments involve four States and can be summarized as follows. Puerto Rico and the Virgin Islands are included in region (1) rather than in region (4). Ohio is included in region (5) rather than in region (3). Louisiana is included in region (6) rather than in region (4). The Northern Mariana Islands are added to region (10). Finally, in response to comments from the Pacific Basin suggesting that the Pacific Basin be affiliated with the Northwest region for the near term, proposed § 707.11(c) has been modified to permit the Secretary, for each competition for a laboratory award, to select one or more regions to be served by the laboratory.

**Comment.** A commenter suggested that a provision be made for a national laboratory having expertise in a specific area.

**Response.** No change has been made. Section 405(f) of GEPA explicitly states that laboratories are regional only.

**Comment.** A commenter favored a Mid-Atlantic region comprising the District of Columbia, Delaware, Maryland, New Jersey, and Pennsylvania, as described in the first and second proposed alternatives, but indicated that more NIE funds should be available for the laboratory serving that 5-State region than the funds now available for the laboratory currently serving the 3-State region of Delaware, New Jersey, and Pennsylvania.

**Response.** No change has been made. Because funds are made available through yearly appropriations, the amount of funding available for particular awards cannot be described in these regulations. With respect to particular grants, this information is announced in an application notice. With respect to contracts, it is the Federal Government's policy not to disclose this information.

**Comment.** Several commenters suggested that the region currently served by the Mid-continent Regional Educational Laboratory (McREL) be retained.

*Response.* No change has been made. Region (7), which corresponds to the region currently served by McREL, remains unchanged.

*Comment.* With respect to region (3) (Appalachia), several commenters favored the existing 7-State region that includes Alabama, Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia and that is served by the Appalachian Educational Laboratory. Several commenters favored a 5-State Appalachian region that includes Kentucky, Ohio, Tennessee, Virginia, and West Virginia. Finally, several commenters favored an Appalachian region that excludes Ohio.

*Response.* A change has been made. Region (3)—as designated in § 706.11 of the final regulations—includes Kentucky, Tennessee, Virginia, and West Virginia. After careful consideration of public comment, the Secretary has determined that, with respect to characteristics relevant to the provision of laboratory services, the State of Ohio is more closely akin to the States in region (5). Ohio is a predominantly industrialized State whose industrial base and workforce make its educational needs more similar to those of Michigan, Illinois, and other States in the region than to the needs of the States in region (3). Accordingly, the Secretary has included Ohio in region (5) rather than in region (3).

*Comment.* With respect to region (5) (the Midwest), several commenters favored a 7-State region that includes Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. A commenter suggested including Iowa and Minnesota with the Great Plains States.

*Response.* A change has been made. As explained in the response to the above comment, region (5), as described in the second proposed alternative, has been adjusted to include Ohio.

*Comment.* One commenter favored a Mountain State region that includes Arizona, Colorado, New Mexico, Utah, and Wyoming.

*Response.* No change has been made. The Secretary does not consider this configuration of States to be as cohesive and strong a grouping as those configurations described in the second proposed alternative.

*Comment.* With respect to region (1) (the Northeast), several commenters favored the 7-State region described in the second proposed alternative that includes Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. Nevertheless, several members of this group of commenters, as well as several other commenters, also expressed

support for a Northeast region that includes the Caribbean States of Puerto Rico and the Virgin Islands. One commenter discussing the Caribbean noted that this was a second preference and was supported only if first preference for a separate region in the Caribbean was not feasible at this time. Several commenters favored a New England region in the Northeast that includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and excludes New York. Finally, several commenters suggested that New York, as a result of its large population, could be justified as constituting a region of its own.

*Response.* A change has been made. Puerto Rico and the Virgin Islands have been added to region (1) to create a 9-State region encompassing both the Northeast and the Caribbean Basin, which includes the six New England States, New York, Puerto Rico, and the Virgin Islands. The Secretary does not consider a region comprising only New York to be desirable because the benefits of collaboration with other States in the region would be absent and because costs for a single-State region would be prohibitive. Moreover, New York shares many significant characteristics with the New England States, making its inclusion with those States both sensible and desirable. For similar reasons, the Secretary does not consider a separate region for the two States in the Caribbean to be either feasible or desirable. The migration of significant numbers of Puerto Ricans to New York as well as currently established cultural links between Puerto Rico and areas of New York argue strongly for adding the two States of the Caribbean to the Northeast region.

*Comment.* With respect to regions (9) (the Northwest) and (10) (the Pacific Basin), as described in the second proposed alternative, several commenters suggested that the region currently served by the Northwest Regional Educational Laboratory and composed of Alaska, American Samoa, Guam, Hawaii, Idaho, Montana, the Northern Mariana Islands, Oregon, the Trust Territory of the Pacific Islands, and Washington be retained. Several commenters expressed concern that all the States in the Pacific Basin, including American Samoa, Guam, Hawaii, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, receive laboratory services; that the individual parts of the Trust Territory always be served, whatever changes may occur in their status; and that the Northern Mariana Islands should be added to the second proposed alternative. Moreover,

some commenters suggested that the Pacific Basin States should be either a separate service region affiliated with the laboratory in the Northwest region or continue to be part of the Northwest region while keeping the option of becoming a separate region at some future time.

*Response.* A change has been made. First, the Northern Mariana Islands, which were inadvertently omitted from region (10) in the second proposed alternative, are included in region (10) in these final regulations. However, no change has been made in the composition of regions (9) (the Northwest) and (10) (the Pacific Basin) as described in the second proposed alternative. These final regulations provide separate regions for the States of the Northwest, including Alaska, Idaho, Montana, Oregon, and Washington (region (9)), and the States of the Pacific Basin, including American Samoa, Guam, Hawaii, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (region (10)). In each region, the included States share geographic and cultural characteristics which their status as a separate region recognizes.

In FY 1983 and FY 1984 Congress expressed concern that the unique educational needs of the Pacific Basin were not being met. In Committee Reports, Congress has requested that NIE take steps to ensure that the needs of the Pacific Basin would be met through a satellite arrangement with the Northwest region. After carefully considering the public comment from significant interested parties in the Pacific Basin, the Secretary intends to make an award to provide laboratory services to the Pacific Basin region which takes into account both the special needs and circumstances of that region and the traditional ties that the Pacific Basin States have maintained with educational organizations and others in the Northwest. For this purpose, proposed § 707.11(c) has been modified to permit the Secretary, for each competition for a laboratory award, to select one or more regions to be served by the laboratory. This will permit the Secretary to make an award for a single laboratory to serve both region (9) (the Northwest) and region (10) (the Pacific Basin).

No special provision is made to insure that the component parts of the Trust Territory of the Pacific Islands are guaranteed laboratory services under any future legal status which they might attain. Nevertheless, laboratory services are provided under this program to each

State as defined in § 77.1 (definitions) of EDGAR.

*Comment.* With respect to region (4) (the Southeast), one commenter favored the first alternative presented in the proposed regulations, while several commenters favored the second proposed alternative. Another commenter favored the third proposed alternative to create more regions serving fewer States each. In addition, one commenter suggested a 12-State region but expressed concern that the inclusion of Puerto Rico and the Virgin Islands in the Southeast would be inconsistent with the nature of that region.

*Response.* A change has been made. Three States have been deleted from region (4). For the reasons explained in responses to the above comment, Puerto Rico and the Virgin Islands have been included in region (1) rather than in region (4). Louisiana has been included in region (6) rather than in region (4) for the reasons explained below.

*Comment.* With respect to region (6) (the Southwest), several commenters favored the first proposed alternative, which is a 4-State region that includes Arkansas, Louisiana, Oklahoma, and Texas; several commenters favored a 4-State region that includes Arkansas, New Mexico, Oklahoma, and Texas (second proposed alternative in NPRM); and several commenters favored a 5-State region that includes Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and that coincides with the region currently served by the Southwest Educational Development Laboratory.

*Response.* A change has been made. Louisiana has been added to region (6) as described in the second proposed alternative to create a 5-State region. After reviewing the public comments, the Secretary has determined that, for purposes of laboratory services, Louisiana's economic and cultural characteristics make Louisiana more similar to those of the Southwestern States than to those of the Southeastern States.

*Comment.* With respect to region (8) (the West), several commenters suggested that the regions currently served by the two laboratories located in California be retained and that States be permitted to receive services from more than one laboratory, provided that service boundaries do not overlap. The two regions suggested are, first, northern California, northern Nevada, and Utah and, second, southern California, southern Nevada, and Arizona. Commenters made the following points: no overlap of boundaries currently exists; joint powers agreements, not

NIE, created the regions; both incumbent laboratories have traditionally provided valuable services; and the two existing regions would suffer a net loss in research and development resources if they were combined. On the other hand, a commenter suggested that these four States should form only one region (described in the second proposed alternative).

*Response.* No change has been made. In order to avoid unnecessary duplication of costs and allow for equitable representation of States on laboratory governing boards, the Secretary has assigned each State to only one region. The States in region (8) are, therefore, those described in the second proposed alternative.

*Comment.* One commenter suggested that, if the Secretary discontinues funding to a laboratory, the NIE should provide interim funds only to an organization that meets the definition of a laboratory.

*Response.* No change has been made. The Secretary reserves the right to determine the appropriate means to serve best the interim needs of a region. Although one option for providing interim services to a region would be through an organization that meets the definition of a laboratory, such as a laboratory serving a contiguous region, other options are available. For instance, the Southeast currently receives laboratory-type services, under section 405(e) of GEPA, from an organization established by a consortium of chief State school officers.

*Section 707.31 What are the selection criteria for laboratory awards for planning?*

*Comment.* Several commenters suggested that too few points were assigned to the criterion on quality of key personnel and that the point distribution across all the criteria produced a bias in favor of incumbent laboratories.

*Response.* A change has been made. The Secretary has assigned 10 of the 15 points reserved in the proposed regulations. The number of points for the criterion on quality of key personnel has been increased from 10 to 20. Of the total of 100 possible points, the Secretary has reserved 5 points in the final regulations. In the case of a competition for grants, the Secretary assigns the 5 points to the criterion on budget and cost effectiveness. In the case of a competition for contracts, the Secretary announces how these 5 points will be assigned.

*Comment.* A commenter recommended that the criterion on an applicant's or offeror's evaluation plan

be included under the criterion on plan of operation.

*Response.* No change has been made. Although they are best planned together, the purpose of an evaluation plan is substantively different from the purposes of a plan for achieving the objectives of the program, and for this reason, each of these two criteria remains a separate criterion. Furthermore, each of these criteria is a general selection criterion included in EDGAR and is incorporated verbatim in these regulations for the purpose of achieving consistency in the evaluation of applications under various discretionary grants programs of the Department. Similarly, these two criteria remain separate criteria in § 707.32.

*Section 707.32 What are the selection criteria for laboratory awards for institutional operations?*

*Comment.* Several commenters suggested that the selection criteria for laboratory awards for institutional operations give an advantage to incumbent laboratories. More specifically, several commenters suggested that too many points are assigned to both the criterion on institutional capacity and the criterion on strength of relationships with the region, and that too few points are assigned to the criterion on quality of key personnel.

*Response.* A change has been made. The Secretary has assigned 10 of the 15 points reserved in the proposed regulations. The number of points for the criterion on plan of operation has been increased from 20 to 25, and the number of points for the criterion on quality of key personnel has been increased from 15 to 20. Of the total of 100 possible points, the Secretary has reserved 5 points in the final regulations. In the case of a competition for grants, the Secretary assigns the 5 points to the criterion on budget and cost effectiveness. In the case of a competition for contracts, the Secretary announces how these 5 points will be assigned. In addition, a further change has been made in response to public concern about a potential advantage for incumbent laboratories. The first three sub-criteria in § 707.32(b)(2) were not meant to imply that a recipient of a laboratory award had to have a pre-existing governing board and structure. To avoid any misunderstanding, these three sub-criteria are each now introduced with the words "Plans for."

*Comment.* One commenter suggested that the criterion on quality of key personnel in § 707.32(d) be changed to



indicate explicitly that key personnel are full-time employees.

*Response.* No change has been made. Although in most cases key personnel are full-time employees of a laboratory, § 75.203 of EDGAR imposes no such requirement on key personnel, and neither do these program regulations, which supplement and are consistent with the provisions of EDGAR.

*Comment.* Several commenters suggested that research is a critical component of the activities of a laboratory and is not adequately reflected in the selection criteria described in § 707.32. Commenters suggested adding a criterion to evaluate information which shows the extent to which the offeror understands the state of knowledge and practice with respect to the problems and priorities of the region to be served, including knowledge of relevant research and theory; knowledge of relevant problems in educational practice; demonstrated experience in conducting research, development, and dissemination; demonstrated experience in relating to other organizations in educational research, development, and practice; and others.

*Response.* No change has been made. The extent of the applicant's or offeror's understanding of research and practice in relation to the needs of the region is adequately measured by the criterion on plan of operation (§ 707.32(d)), and in particular by several sub-criteria, including the design of the project, the relation between proposed activities and regional needs, and the contribution of the work to educational improvement. The applicant's or offeror's capacity to conduct research, development, and dissemination, while maintaining ties and collaborating with other similar organizations, is adequately covered by the criterion on institutional capacity (§ 707.32(c)), which takes into account organizational mechanisms and procedures for managing work both internally and in collaboration with other institutions. Although § 707.32(c) focuses on institutional capacity rather than on demonstrated experience, this criterion is adequate for evaluating the ability of the applicant or offeror to conduct, both internally and in collaboration with other organizations, laboratory activities that are informed by research, theory, and practice.

**Section 707.41. What requirements must be met by a grantee or contractor?**

*Comment.* Several commenters recommended that a grantee or contractor receiving a laboratory grant or contract for institutional operations should not be required, as a post-award

condition, to be incorporated as a nonprofit organization. The commenters argued that many public agencies could not meet this requirement and, therefore, would not be able to receive laboratory awards.

*Response.* A change has been made. The Secretary has deleted this post-award requirement from § 707.42(a) in order not to restrict indirectly eligibility for laboratory awards.

*Comment.* Several comments expressed concern about the post-award requirement that requires a board of directors to be subject to no higher governing board and be representative of the varied educational constituencies of the region (proposed § 707.41(b)). Some commenters suggested that this requirement influences indirectly the eligibility requirements for laboratory awards for institutional operations because many institutions of higher education would have difficulty meeting this requirement.

*Response.* A change has been made. The language of this post-award requirement has been modified in order to clarify its purpose, which is to require a governing board that is accountable to NIE for satisfying the terms and conditions of the award and that reflects a balanced representation of States and constituencies in the region. This provision was modified to insure that the governing board of a laboratory understands that, by law, that governing board, not another body, must be accountable to NIE for fulfilling the terms and conditions of the award. Because NIE is responsible for managing public monies and insuring that they are lawfully expended, NIE, and no other entity, must determine when the terms and conditions of a laboratory award are being met and when they are not being met. In a case where NIE determines that the terms and conditions of the award are not being met, and the governing board does not make changes to comply with the terms and conditions of the award, NIE may terminate funding. The Secretary does not use this authority to direct or influence the activities or agenda of a laboratory that is fulfilling the terms and conditions of the award. Nor does the Secretary use this provision to require any prior approval by NIE of the specific individuals serving on the governing board, or to deprive the governing board of the independence and autonomy to function as the responsible party for the laboratory.

*Comment.* Several commenters suggested that the composition of laboratory governing boards should be specified in the regulations. One commenter recommended that chief

State school officers be guaranteed a seat. Another commenter recommended that minorities be represented on laboratory governing boards.

*Response.* No change has been made. The Secretary has required, as a post-award condition under § 707.41(a)(2) of the final regulations, that a laboratory governing board reflect "a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies." Furthermore, the Secretary evaluates an application or proposal for a laboratory on the basis of information showing "plans for a governing board whose composition reflects regional interests and constituencies." See § 707.32(b)(2)(i). The Secretary believes that, subject to these requirements, each applicant or offeror can best determine the composition of its governing board.

*Comment.* Several commenters recommended that dissemination should play a greater role in the activities of laboratories than is reflected in the proposed regulations.

*Response.* No change has been made. Post-award requirements in § 707.41 (c) and (f) for grantees and contractors receiving laboratory awards for institutional operations are specifically designed to emphasize dissemination and knowledge use as major functions of laboratories. Section 707.41(c) requires grantees and contractors to identify concerns and priorities through regionally representative governing and advisory structures and activities that help regional clients define their needs. Section 707.41(f) requires grantees and contractors to promote the use in the region of research and development results from all sources inside and outside the region, including the laboratory. In addition, § 706.21 of the final regulations requires an applicant or offeror for an award for institutional operations to make assurances that the laboratory or center will disseminate information developed as a result of research and development activities, including new educational methods, practices, techniques, and products.

*Comment.* Several commenters suggested that laboratories and centers be required, in addition to their individual activities, to collaborate as a group.

*Response.* A change has been made. An additional post-award requirement has been added to § 707.41 for laboratories and to § 708.41 for centers that requires both types of organizations to collaborate in order to carry out more effectively the terms and conditions of the award. Such collaboration was contemplated by the statutory scheme of

section 405(f) of GEPA, which assumes laboratories and centers to be not a collection of unrelated organizations but rather a program of mutually reinforcing organizations with some major activities in common, as reflected in the assurances described both in § 708.21 of these regulations and in the statute.

**Section 708.31** *What are the selection criteria for center awards for planning?*

**Comment.** With respect to the selection criteria for awards for institutional operations in §§ 708.31 and 708.32, one commenter suggested that the criterion on evaluation plan be subsumed under the criterion on plan of operation and that the criterion on adequacy of resources be subsumed under the criterion on institutional capacity.

**Response.** No change has been made. These criteria are substantively different and, therefore, each remains a separate criterion. Furthermore, each of these criteria is a general selection criterion included in EDGAR and is incorporated verbatim in these

regulations in order to achieve consistency in the evaluation of applications under the various discretionary grants programs of the Department.

**Comment.** Several commenters suggested that more points be assigned to the criterion on quality of key personnel because the quality of the staff is so crucial to the successful planning of a center.

**Response.** A change has been. The number of points for the criterion on quality of key personnel has been increased from 10 to 15; the number of points for the criterion on institutional capacity has been decreased from 20 to 15.

**Section 708.32** *What are the selection criteria for center awards for institutional operations?*

**Comment.** Several commenters suggested that more points be assigned to the criterion on quality of key personnel because the quality of staff contributes so greatly to the success of a center.

**Response.** A change has been made. The number of points for the criterion on quality of key personnel has been increased from 15 to 20; the number of points for the criterion on institutional capacity has been decreased from 25 to 20.

**Comment.** One commenter suggested that the criterion on institutional capacity in § 708.32(b) implies that an applicant or offeror for a center award for institutional operations must be a single-campus institution. The commenter supports this notion and recommends that it be made explicit in the final regulations.

**Response.** No change has been made. Section 405(f) of GEPA does not require centers to be located on a single campus. Moreover, the commenter presents no evidence or justification for this suggestion, and the Secretary does not deem it suitable to place such a restriction on applicants or offerors for a center award for institutional operations.

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